

**ARTICLE 4**  
**ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

401. **APPLICABILITY.**

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116. For conditional uses, see also Section 117.

402. **ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.**

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
  - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
    - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
    - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
    - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
  - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
    - (1) 200 lineal feet from the lot line of an existing dwelling,
    - (2) 400 lineal feet from the lot line of any lot in a residential zoning district,
    - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
  - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
  - d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
  - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
  - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
  - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.

- h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
  - i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
  - j. A minimum lot area of 1 acre is required.
  - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
  - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees, dancers or entertainers shall maintain a minimum distance of 2 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."
  - m. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
  - n. Any application for such use shall state the names and home addresses of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Borough business hours. Such information shall be updated whenever it changes in writing to the Zoning Officer.
  - o. The use shall not operate between the hours of 12 midnight and 7 a.m.
  - p. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters)."
  - q. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
2. **Adult Day Care Center.**
- a. The use shall be fully licensed by the State, if required by the State.
  - b. The use shall include constant supervision during all hours of operation.
  - c. The use shall not meet the definition of a "treatment center."
3. **Airport (see also Heliport).**
- a. As part of a conditional use approval for the establishment or expansion of an airport, the applicant shall describe the maximum sizes and types of aircraft that are intended to use the facility, as well as the primary approaches.
  - b. Provided that the conditions to not conflict with Federal and State safety standards, the Borough Council may place reasonable conditions upon the use to minimize noise conflicts to adjacent residential areas.
4. **Animal Cemetery.**
- a. All the regulations for a "cemetery" in this Section shall apply.
  - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

**Apartments.** See "Townhouses and Apartments" and "Conversions" in this Section 402.

5. **Assisted Living Facility/ Personal Care Center.** The standards for nursing homes in this section shall apply.
6. **Auto, Boat or Mobile/ Manufactured Home Sales.**
- a. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
  - b. See light and glare standards in Section 507. See paved area setback provisions in Section 603.H.

- c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
7. **Auto Repair Garage.**
- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a "residential lot line."
  - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
  - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
  - d. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
  - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 60 days within view of a public street or a dwelling, unless it is actively under repair. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless they are actively under repair.
  - f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
8. **Auto Service Station.**
- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
  - b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
  - c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
  - d. The regulations for "Auto Repair Garage" in the above subsection shall also apply to an "Auto Service Station."
  - e. The use may include a "convenience store" if the requirements for such use are also met.
  - f. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
    - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and c) necessary warning signs.
    - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
  - g. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.
9. **Bed and Breakfast Inn.**
- a. Within a residential district (if permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
  - b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- d. The use shall have a residential or agricultural appearance and character.
- e. The use shall be operated and/or managed by permanent residents of the lot.
- f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.

**10. Boarding House (includes Rooming House).**

- a. Minimum lot area - 20,000 square feet.
- b. Minimum side yard building setback - 15 feet each side
- c. Minimum lot width- 100 feet
- d. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs - shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

**11. Campground, Camp or Recreational Vehicle Campground.**

- a. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- b. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 50 feet from any contiguous lot line of an existing dwelling that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
  - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
  - (2) Removal of trees within this buffer shall be allowed for necessary approximately perpendicular street, stormwater channel, driveway and utility crossings and to provide safe sight distance.
- c. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- d. Maximum impervious coverage- Within a residential district, 30 percent, which shall include the typical lot area covered by recreational vehicles at full capacity.
- e. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
- f. Minimum lot area - 2 acres.

**12. Car Wash.**

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being

washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.

- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. Wash water shall be properly collected and shall not flow into a waterway.

**13. Cemetery.**

- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no buildings shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

**14. Commercial Communications Antennae/Tower as principal or accessory use.**

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
  - (1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - (a) a principal agricultural building or silo,
    - (b) an electric high voltage transmission tower,
    - (c) an existing lawful commercial communications tower,
    - (d) a fire station or steeple or bell tower of a place of worship, or
    - (e) a water tower.
  - (2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
  - (1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Zoning Board may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - (2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
  - (3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
  - (4) See structural and wind resistance requirements of the Construction Code.

- (5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Borough.
  - (6) An applicant for a new commercial communications tower shall provide evidence to the Board or Council as applicable that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
  - (7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves that a taller height is absolutely necessary and unavoidable.
  - (8) The application shall describe any proposed lighting. The Borough may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
  - (9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
    - (1) To protect property values.
    - (2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
    - (3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
  - d. A tower/antenna that is intended to primarily serve emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
  - e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
  - f. Accessory utility buildings or cabinets shall have a maximum height of 10 feet and meet principal building setbacks.
  - g. Antennae and towers shall comply with the Airport Approach zoning regulations.
15. **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
  - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
    - (1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - (2) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.
  - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.

- d. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
- e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.

**16. Day Care Center, Child.**

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
- c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
- d. The use shall include secure fencing around outdoor play areas.
- e. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- f. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- g. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.

**17. Emergency Services Station.**

- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and periodic special events. Any new or expanded building area used for a banquet hall shall be setback a minimum of 20 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting Section 803.

**18. Forestry.**

- a. A soil and erosion conservation plan shall be prepared and submitted if the timber harvesting involves more than one-half acre.
- b. A maximum of 50 percent of the total tree canopy cover shall be removed from areas within 50 feet from the edge of a perennial creek.
- c. Clearcutting shall not be allowed on contiguous areas of more than 2 acres.
- d. If forestry involves more than 10 acres, then an erosion and sedimentation control plan shall be submitted and carried out.

19. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5 percent of the total lot area of the golf course.

20. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- a. The use shall meet the definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
  - 1) if a more restrictive requirement is established by another Borough Code;
  - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
  - 3) as may be approved by the Zoning Hearing Board under Section 111.D.

- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
- h. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- i. The persons living on-site shall function as a common household unit.
- j. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- k. An off-street parking space shall be provided for the largest vehicle that serves the use.
- l. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

**21. Heliport.**

- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- b. Borough Council may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, Borough Council may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
- c. Helicopter landings and take-offs for emergency medical purposes are not regulated by this Ordinance.

**22. Hotel or Motel.**

- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

**23. Junkyard. (includes automobile salvage yard)**

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration is prohibited.
- f. See the noise or dust regulations of Article 5.
- g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.



- h. Lot area - 5 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

24.  **kennel.**

- a. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. The applicant shall describe how outdoor runs will or will not be used during late night hours.
- d. See State law regulating kennels.
- e. Minimum lot area - 5 acres, unless a larger lot area is required by another section of this Ordinance.

25.  **Livestock and Poultry, Raising of.**

- a. Minimum lot area - 5 acres.
- b. As part of an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, 3) 50 feet from all other exterior lot lines.
- c. The setbacks from property lines provided in this Section 402.A. for this use shall not apply from dwellings or lots owned by: (1) the operator or owner of the livestock use, (2) affected property-owners providing a written notarized letter waiving such setback, or (3) a building housing hogs that is above a manure holding facility.
- d. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- e. If applicable, evidence shall be provided by the operator/applicant to the Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- f. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
- g. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
- h. The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
- i. The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances.

27.  **Manufactured Homes.** See "Mobile/Manufactured Home" in this Section.

28.  **Membership Club.**

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an after hours club.

29.  **Mineral Extraction.**

- a. The following additional requirements shall be met:

- (1) A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
- (2) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
- (3) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. Borough Council may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
  - (a) New trees shall not be required where preserved trees will serve the same purpose.
- (4) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
  - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
  - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
  - (c) 300 feet from the lot line of a dwelling,
- (5) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
- (6) Fencing. Borough Council may require secure fencing in locations where needed to protect public safety. As an alternative, Borough Council may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
- (7) Hours of Operation. Borough Council, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- (8) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

30. **Mobile/Manufactured Home.** Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have hitch and tires removed.
- d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
- e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
- f. The front door of the dwelling shall face onto a street.

31. **Mobile/Manufactured Home Park.**

- a. Plans shall be submitted and reviewed by the Borough for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land

development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).

- b. The minimum tract area shall be 2 acres, which shall be under single ownership.
- c. Density - The maximum average density of the tract shall be 4 dwelling units per acre.
  - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 30 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by Borough Council. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- h. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. "Common Open Space" for a Mobile Home Park. A minimum of 15 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
- k. Streets.
  - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
  - (2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
  - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.

32. **Nursing Home.**

- a. Licensing - See definition in Article 2.
- b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

33. **Outdoor Storage and Display.** The provisions listed for this use under Section 403 shall apply.

34. **Picnic Grove, Commercial.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. See noise and glare standards in Article 5.
- c. Minimum lot area - 2 acres.

**35. Place of Worship.**

- a. Minimum lot area- One acre in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.
- b. A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See Section 306. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- d. A child or adult day care center shall be allowed as an accessory use.

**36. Recreation, Outdoor.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- b. This term shall not include “Publicly-Owned Recreation,” a “Golf Course,” or a "Motor Vehicle Racetrack."
- c. See provisions for a non-household swimming pool in this Section 402.
- d. Lighting, noise and glare control - See Article 5.
- e. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803 shall be required.

**37. Recycling Collection Center.**

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

**38. Residential Conversions.** See "Conversions of an Existing Building" within this Section.

**39. Restaurant.**

- a. Screening of Dumpster and Waste Containers - See Section 806.
- b. See "Drive-Through" service in Section 403.
- c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

**40. School, Public or Private, Primary or Secondary.**

- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
- b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
- c. The use shall not include a dormitory unless specifically permitted in the District.

**41 Self-Storage Development.**

- a. All storage units shall be of fire-resistant construction.
- b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- g. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
- h. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

**42. Solid Waste Transfer Facility or Solid Waste-to-Energy Facility or Solid Waste Landfill.**

- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
- b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this Ordinance.
- f. Open dumps and open burning of refuse are prohibited.
- g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Borough.
- h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.

- i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent waste operations from being visible from a public street or dwelling.
  - j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
  - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
  - l. Attendant. An attendant shall be present during all periods of operation or dumping.
  - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
  - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
  - o. Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
  - p. Tires. See "Outdoor Storage and Display" in Section 403.
  - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
  - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
  - s. The applicant shall provide sufficient information for the Borough to determine that the requirements of this Ordinance will be met.
  - t. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
43. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
  - b. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
  - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
44. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
  - b. Minimum lot area- 1 acre.
  - c. Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 803.
  - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
  - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
45. **Timber Harvesting.** See "Forestry" in this Section.

**46. Townhouses and Apartments.**

- a. Maximum number of townhouses in any attached grouping - 8.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. If possible, all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

**47. Treatment Center.**

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- d. The Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. A methadone treatment center or a use involving housing of 2 or more persons required to register their place of residence under Megan’s Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.

**48. Trucking Company Terminal.**

- a. As a condition of approval, the Borough Council may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

**49. Veterinarian Office. (includes Animal Hospital)**

- a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- b. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

**50. Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 306.**

- a. The wind turbine shall be setback from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.

- b. The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- f. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- h. The turbine shall include automatic devices to address high speed winds.
- i. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
- j. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- k. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- l. Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Wind turbine to service. All Wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.

**403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
  - 1. **Antenna, Standard.** (includes amateur radio antenna)
    - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
    - b. Anchoring. An antenna shall be properly anchored to resist high winds.
  - 2. **Reserved.**
  - 3. **Day Care, Child - as accessory to a Dwelling.**



- a. See Section 306 under Accessory Uses and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
- b. The care of 4 or more children (other than children who are "related" to the primary caregiver) shall only be allowed where specifically permitted under Section 306 in the applicable zoning district.
- c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
- d. The use shall be actively operated by a permanent resident of the dwelling.
- e. If 7 or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a 4 feet high secure fence.
- f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
- g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.

**4. Drive-through Facilities.**

- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

**5. Fences and Walls.**

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.
- b. No fence, wall or hedge shall obstruct the sight distance as required by Section 803.C. and/or the Subdivision and Land Development Ordinance. (Note - The sight distance provisions typically regulate features over 3 feet in height.)
- c. Fences.
  - (1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential district shall:
    - (a) be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas, and
    - (b) not exceed 4 feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals or to address a specific hazard, such as an electric transformer.
  - (2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6 feet along one of the streets, other than the street that is along the front of the dwelling.
  - (3) Height.
    - (a) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6 feet, except a maximum of height of 10 feet shall be allowed around a tennis court (provided it is outside of the minimum front yard) and a taller height may be allowed where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
  - (4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except that a fence shall be located on the

inside of any buffer plantings required by Section 803 and except that a 5 feet minimum setback shall apply for a fence of a principal business that is more than 6 feet in height and that is adjacent to a principal dwelling.

- (5) Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.
- d. Walls.
- (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 15 feet from a lot line of an existing dwelling.
  - (2) Other than a retaining wall, no wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
  - (3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback..
  - (4) Walls that are attached to a building shall be regulated as a part of that building.

**6. Furnace, Outdoor.**

- a. The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
  - (1) An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
  - (2) The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.
- b. The applicant shall show compliance with the Borough Construction and Mechanical Codes. The furnace shall include properly functioning spark arrestors.
- c. The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure or asphalt products.

**7. Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).**

- a. See sign provisions in Section 705.C.
- b. Garage sales shall be limited to a maximum of 2 days in any 90 day period.
- c. Garage sales shall not routinely involve the sale of new unused merchandise.

**8. Home Occupations.**

- a. All home occupations shall meet the following requirements:
  - (1) The use shall only be conducted by one or more permanent residents of the dwelling, except it may involve a maximum of one non-resident employee who regularly visits the property but primarily works off-site, such as operating a vehicle based at the property.
  - (2) The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
  - (3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
  - (4) For a Major Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
  - (5) The use shall not routinely require delivery by tractor-trailer trucks.

- (6) The regulations of Section 403.A.9.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
  - (7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
  - (8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
  - (9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
  - (10) A barber or beauty shop shall not include any non-resident employees.
  - (11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
  - (12) A Home Occupation may include a single two square foot non-illuminated sign, as permitted in Section 703.
  - (13) The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
  - (14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
  - (15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
  - (16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
  - (17) A zoning permit shall be required for a Major home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Minor Home Occupation:"
- (1) The use shall not routinely involve routine daily visits to the home occupation by customers.
  - (2) The use shall only involve the following activities:
    - (a) work routinely conducted within an office,
    - (b) custom sewing and fabric and basket crafts,
    - (c) cooking and baking for off-site sales and use,
    - (d) creation of visual arts (such as painting or wood carving),
    - (e) repairs to and assembly of computers and computer peripherals, and
    - (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
  - (3) A zoning permit shall not be required for a Minor Home Occupation.
9. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
  - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.

- c. Screening. See Section 803.
- d. Tire Storage.
  - (1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 25 used tires in a non-residential district shall only be permitted as part of a Borough-approved junkyard or tire store.
  - (2) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
  - (3) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

**10. Pets, Keeping of.**

- a. This is a permitted by right accessory use in all districts.
- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
- c. A maximum total of 5 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
  - (1) Such limits shall only apply to dogs or cats over 6 months in age.
  - (2) Any greater number of dogs and/or cats shall need approval as a "kennel".
- d. No more than two pigeons, chickens, roosters, ducks, geese and/or similar fowl shall not be kept on a lot of less than 20,000 square feet. If the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for "Raising of Livestock or Poultry."
- e. Horses: Minimum lot area - 2 acres for first horse or similar animal, plus 1 acre of pasture for each horse or similar animal in excess of one. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any "residential lot line."
- g. See the definition of "Pets" in Section 202. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
  - (1) The following animals shall not be allowed to be kept within the Borough: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, or constrictor snakes that could be dangerous to humans. The keeping of any "exotic wildlife" shall also comply with the Pennsylvania Game & Wildlife Code regulations.
- h. The keeping of cows, sheep, goats, hogs and similarly sized animals shall require a minimum lot area of 3 acres.

Recreational Vehicle Parking. See under Residential Accessory Structure or Use in this Section.

**11. Residential Accessory Structure or Use.** (see definition in Article 2)

- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
- b. Height. See Section 307.B.
- c. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a residential district is prohibited, except that the parking of a maximum of

one vehicle with a gross vehicle weight of up to 13,000 pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.

- d. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot.
- e. See setback exceptions in Section 803.B.
- f. Outdoor storage of junk covering more than 200 square feet of land area in a residential district shall be prohibited.
- g. Recreational Vehicles and Boats. A recreational vehicle or boat with a length of 26 feet or greater shall not be parked in the front yard of a dwelling in a residential district on more than 3 days in any 7 day period.
  - (1) All such vehicles, boats or trailers shall maintain a current registration and be maintained to prevent the collection of debris or the leakage of vehicle fluids onto the ground.
- h. A maximum of one motor vehicle or boat shall be displayed or offered for sale on a lot in a residential district, except as may be allowed otherwise as a non-conforming use.
- i. A recreational vehicle shall not be used as a residence outside of an approved campground for more than 14 days in any 30 day period.

**12. Swimming Pool, Household.** (referred hereafter as "pool")

- a. See the requirements of the Construction Code regarding fencing of pools. In the event such Construction Code does not result in a fence being required, then this Zoning Ordinance provision shall apply. Every swimming pool containing 24 inches or more of water depth shall include a fence, wall, above-ground pool walls or similar enclosure surrounding the pool. Such enclosure shall extend not less than 4.5 feet above the ground. All gates, latches and fences shall meet the Construction Code requirements for enclosures around a pool.
- b. A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 5 feet from side and rear lot lines.

**13. Unit for Care of Relative.**

- a. The use shall meet the definition in Section 202.
- b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
- c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconvered to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.
- d. The applicant shall establish a legally binding mechanism in a form acceptable to the Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
- f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached dwelling may be specifically approved by the Zoning Hearing Board as a special exception. If a detached modular dwelling is placed on the

property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks and has a maximum building floor area of 900 square feet.

- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

**14. Wind turbines, One Per Lot as Accessory Use.**

- a. All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
- b. The audible sound from the wind turbine shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
- f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- g. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- h. In a R-M, R-S, MHP or R-S1 district, the maximum total height above the ground level to the tip of the extended blade shall be 90 feet. In another district, the maximum height for a wind turbine approved under this section shall be 150 feet. See wind turbines in Sections 402 and 306 for taller turbines.
- i. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- j. Contiguous property owners may construct a wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners. A maximum of one wind turbine that would be shared by certain dwelling units within a development may also be placed in the common open space, if specifically approved to be included, at the time of final subdivision approval.

**ARTICLE 5**  
**ENVIRONMENTALLY SENSITIVE AREAS**

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of waterways.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.

501.C. See State erosion control regulations (Note: as of 2010 in 25 PA. Code Ordinance 102). See also requirements for NPDES permits under Federal and State regulations.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Ordinance, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

503. **STEEP SLOPES.**

503.A. A principal building shall not be constructed or placed on any area with a natural slope of 25 percent or greater. A natural slope is a slope that was not man-made. This Section 503 shall not apply to a slope that was man-made prior to the enactment of this Ordinance.

503.B. If a new principal building is proposed to be constructed on land area involving 500 or more square feet with natural slopes of 15 to 25 percent, then a minimum lot size of 30,000 square feet shall be required, unless a more restrictive requirement applies under another section.

503.C. Land shall not be re-graded prior to seeking development approval in a manner that seeks to circumvent the requirements of this Section.

- 503.D. The land adjacent to a building shall not be regraded in such a way that makes it impossible to reach each side of a building with a fire ladder.
504. **FLOOD-PRONE AREAS.** See the Coplay Borough's Floodplain Ordinance.
505. **NOISE.** See Coplay Borough's Noise Pollution Ordinance.
506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to Normal Farming Activities that are exempted under the Pennsylvania Right to Farm Act.
507. **CONTROL OF LIGHT AND GLARE.** This section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.
- 507.A. **Street Lighting Exempted.** This Section 507 shall not apply to: a) street lighting that is owned, financed or maintained by the Borough or the State, or b) an individual porch light of less than 6 feet total height in a front yard (not including a spot light).
- 507.B. **Height of Lights.** No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- 507.C. **Diffused.** All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. **Shielding.** All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. **Flickering.** Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 507.F. **Spillover.** Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal foot-candle at a distance 10 feet inside the residential lot line.
- 507.G. **Gasoline Sales Canopies.** Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- 507.H. **Lighting of Horizontal Surfaces.** For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection F. and to prevent glare onto streets. The Borough may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.



- 507.I. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such as building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward.
- 507.J. Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity.

508. **WETLANDS AND WATERWAY CONSERVATION.**

- 508.A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
- 508.B. Setback from Waterways. No new principal building, no new off-street parking spaces and no new commercial or industrial outdoor storage shall be allowed within 75 feet from the average centerline of the Lehigh River. Where trees and other natural vegetation are removed within this setback, they shall be replaced with new trees and vegetation that serve the same environmental purposes.

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**ARTICLE 6  
OFF-STREET PARKING AND LOADING**

**601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.**

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit except 1 per unit in the TC District. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Home Occupation	See Section 403	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will primarily be persons over 70 years old.	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<b><u>B. INSTITUTIONAL USES:</u></b> 1. Place of Worship (includes Church)	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing Home	1 per 6 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1 for each individual dwelling unit	1.1 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
<b><u>C. COMMERCIAL USES:</u></b>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, Rvs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Bowling Alley or Pool Hall	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.1 Employees
9. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 Employees
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leaseable floor area	
21. Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee
<u>E. INDUSTRIAL USES:</u>  All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance  1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.1 Employee

602. **GENERAL REGULATIONS FOR OFF-STREET PARKING.**

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.
  - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

603. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a driveway that enters onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking and except where a larger space is required by Section 603.C.
2. For handicapped spaces, see Section 603.G. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
90 degrees	9	18	20	22
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum



603.D. Accessways and Driveways.

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	One-Way Use*	Two-Way Use*
Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

\* This standard may be revised where a different standard is required by PennDOT for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

2. Except for landscaped areas, all portions of required parking areas for *commercial, industrial, multi-family and institutional uses* involving 4 or more spaces, off-street loading facilities and driveways serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Borough. Driveways limited to use by emergency vehicles are not required to be paved provided the Fire Company approves the proposed surface. Driveways and parking that serve public uses, public recreation areas and other types of dwellings are not required to be paved.

a. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.

b. If the design and materials are found to be acceptable in writing by the Borough Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Parking for Persons With Disabilities/Handicapped Parking.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 10 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 10 feet. This 10 feet width shall be increased to 20 feet for a lot including 20 or more parking spaces that are visible from the street.
  - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.

- b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
- c. Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
- d. The following shall be prohibited within the planting strip:
  - (1) paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
  - (2) fences, and
  - (3) parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.
- e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.

3. See landscaping requirements in Section 803 and 804.

**604. OFF-STREET LOADING.**

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- 604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

**605. FIRE LANES AND ACCESS.**

- 605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- 605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- 605.C. The specific locations of fire lanes and fire equipment access are subject to approval by the Borough, after review by local Fire Officials.

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## ARTICLE 7 SIGNS

**701. PURPOSES AND APPLICABILITY.**

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message or replaced with a new sign face without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance. See also Section 712.B. concerning non-conforming signs.

**702. SIGN DEFINITIONS.** See Section 202 of this Ordinance.

**703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”*** (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	24	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity.	2	4	50	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”** (sq. ft.)	OTHER REQUIREMENTS
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	10	30 (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also “Special Sale Signs” below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	See “Garage Sale” in Section 403.
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	2	2	Shall not be illuminated. Shall be attached flat on a building wall or within a window, but shall not be freestanding in a residential district.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1	6	Maximum height of 8 feet.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”*** (sq. ft.)	OTHER REQUIREMENTS
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 6 consecutive days.
<p><u>Political Sign</u>- advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</p> <p>Political signs shall not be posted on property owned by the Borough or on a public street right-of-way, except as may be allowed on election day outside of a polling location.</p>	Maximum of 2 sign faces per issue or candidate per street frontage per lot	Maximum of 10 s.f. per issue or candidate per street frontage.	Maximum of 20 s.f. per issue or candidate per street frontage.	Shall be removed a max. of 7 days after an election, vote or referendum if the sign pertains to such a matter. Political signs shall not be placed on property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	3	3	Maximum of 2 such signs per such organization or place of worship.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”** (sq. ft.)	OTHER REQUIREMENTS
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision..	5 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum of 10 consecutive days per event, and a maximum of 4 events per year. Such signs shall not flash, be internally illuminated, or obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	Shall not flash.
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

\* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

\*\* For the purposes of this Section, a "Non-Residential Lot" shall mean a lot that is occupied by a principal non-residential use.

In addition, the following types of signs are not regulated by this Ordinance:

- a. Historic Sign - memorializes an important historic place, event or person and that is specifically authorized by the Borough or a County, State or Federal agency.
- b. Holiday Decorations - commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign - not readable from any public street or any exterior lot line.



- d. Official Sign - erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance, motion or resolution, and which exists for public purposes.
- e. Required Sign - only includes information required to be posted outdoors by a government agency or the Borough.
- f. Right-of-Way Sign - posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Borough.

704. **FREESTANDING, WALL AND WINDOW SIGNS (On-Premises Signs).**

704.A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 202.

<b>ZONING DISTRICT OR TYPE OF USE</b>	<b>TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WALL SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WINDOW SIGNS</b>	<b>TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS</b>
<p><b>R-1, R-2, P or TMU Districts</b>, with signs in this table limited to allowed principal non-residential uses (such as Places of Worship) or allowed institutional uses.</p> <p>For home occupation signs, see Section 703.</p>	8 feet	40 square feet on each side of a principal building for a school or place of worship; 4 square feet on each side of a principal building for other non-residential principal uses.	May be used in place of a wall sign with the same restrictions	<p>1 sign on each street the lot abuts, each with a maximum sign area of 40 sq. ft. for a school or place of worship; 4 square feet on each side of a principal building for other non-residential principal uses.</p> <p>See also entrance signs for major residential developments in Section 704.E.</p>
<b>TC, TCE, NC or GC Districts.</b>	15 feet	2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	<p>1 sign per street that the lot abuts, each with a maximum area of 60 sq.ft.</p> <p>One additional 8 square feet sandwich board sign is allowed in a location that does not obstruct pedestrian traffic, and which is kept inside when the business is not open.</p>

<b>ZONING DISTRICT OR TYPE OF USE</b>	<b>TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WALL SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WINDOW SIGNS</b>	<b>TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS</b>
<b>BP District.</b>	15 feet.	2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 60 sq.ft.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
3. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

704.D. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.

704.E. Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than 5 principal business uses. Such sign area shall be a maximum of 40 square feet and may be attached to a wall that meets Section 704.D.

705. **PROHIBITED SIGNS.** The following prohibitions on signs shall apply in all zoning districts:

- 705.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.
- 705.B. Flashing, blinking, twinkling, animated, scrolling or moving signs of any type are prohibited. No sign may display electronically moving images. Signs may change their message from time to time provided that each message is visible for a minimum of 6 seconds, except as follows: a) time and temperature signs may change more frequently, and b) a sign with a sign area greater than 30 square feet shall not change its message more frequently than once every 20 seconds.
  - 1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
  - 2. Electronically changeable message signs shall not be allowed in a residential district.
- 705.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- 705.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
- 705.E. Signs that are of such form, shape or color that they resemble an official traffic control sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- 705.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- 705.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- 705.H. Floodlights and outdoor lasers for advertising purposes are prohibited.

706. **OFF-PREMISE SIGNS (Including Billboards).**

- 706.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.

706.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

706.C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.

706.D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:

1. District. An off-premise sign is only permitted in the I District.
2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. Maximum Total Sign Area on Each of 2 Sides. 300 square feet. A freestanding sign of more than 50 square feet of sign area shall need special exception approval.
4. Spacing. Any off-premise sign shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign of 300 square feet may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 60 degrees.
7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
8. Setbacks. No off-premise sign greater than 20 square feet in sign area shall be located within 250 feet from the lot line of an existing principal dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

707. **GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.**

707.A. Setbacks.

1. All freestanding signs shall be setback a minimum of 5 feet from the existing street right-of-way. Signs shall not be located within the existing street right-of-way, except for allowed sandwich board signs.

2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 5 feet from an abutting lot line of principal dwelling in a residential district.
  3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.
- 707.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.
- 707.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.
- 707.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
- 707.E. Signs on Utility Poles & Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency.
- 707.F. Construction of Signs. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.
- 707.G. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.
- 707.H. Banners and Overhanging Signs. Borough Council may approve the hanging of decorative banners within the street right-of-way and may approve a sign overhanging across a street to advertise a community event or festival.
708. **VEHICLES FUNCTIONING AS SIGNS**. Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.
709. **ABANDONED OR OUTDATED SIGNS**. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.
710. **MEASUREMENT OF SIGNS**.
- 710.A. Measurement of Sign Area.
1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
  2. The sign area shall not include any structural supports that do not include a message.

3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

712. **NONCONFORMING SIGNS.**

712.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

712.B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.

712.C. Unlawful Signs. If a sign was placed without a required permit by the Borough, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.

**ARTICLE 8**  
**GENERAL REGULATIONS**

**801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.**

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Borough Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Borough standards.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
  - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
  - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
  - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
  - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, wind turbines that comply with this Ordinance, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, solar energy collection devices, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202 and provisions in Section 307.B.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. **In General.**

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. **Emergency Access.** All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

803.B. **Exceptions to Minimum Lot Areas, Lot Widths and Yards.**

1. **Corner Lots.** For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 202.
2. **Projections Into Required Yards.**
  - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
  - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
  - c. For decks and porches, see Section 307.
3. **Lot Widths Around Curves.** Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

803.C. **Sight Clearance at Intersections.** At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the edge of the travel lane of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the edge of the travel lanes of the streets. A third longer leg shall connect the ends of the two legs to form the triangle.



1. However, in place of the above sight triangle, where a local street intersects an arterial street with a stop sign only at the local street, the leg of the triangle along the arterial street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet.
  2. The clear sight triangle shall be kept free of such obstructions in perpetuity.
- 803.D. Buffer Yards. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:
1. A minimum 10 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.
    - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 50 feet, and the minimum initial height of plantings shall be increased to 6 feet.
    - b. The presence of a dwelling on the same lot as a principal business use shall not by itself require the provision of a buffer yard.
    - c. An 10 feet wide minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.
    - d. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street:
      - (1) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
      - (2) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
  2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Borough may allow deciduous canopy trees.
  3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
  4. Fence. The Borough may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.

5. Each planting screen shall meet the following requirements:
  - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
  - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
  - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
  - d. The plant visual screen shall extend the full length of the lot line, except for: a) Borough-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Borough and utility requirements, such as stormwater swales.
  - e. Weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
  - f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
  - g. The plant screening shall primarily use evergreen trees.
  - h. The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard if the required width is not feasible.
6. Buffer Yard Plans.
  - a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
    - (1) the location and arrangement of each buffer yard,
    - (2) the placement, general selection of species and initial size of all plant materials, and
    - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.

804. **LANDSCAPING.**

- 804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
- 804.B. See also the buffer yard provisions in Section 803. See parking lot setbacks in Section 603.H.
- 804.C. Shade Trees Adjacent to Streets. The requirements of the Subdivision and Land Development Ordinance shall apply. Tree trunks of required trees shall be planted at locations pre-approved by the Borough, which in most cases will be immediately outside of the street right-of-way. Trees shall not be newly planted within a street right-of-way unless specifically pre-approved by the Borough.
- 804.D. Parking Lot Landscaping.

1. A minimum of one deciduous tree shall be required for every 10 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
3. Deciduous trees required by this section shall meet the following standards:
  - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of any Borough Shade Tree Commission or Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - Red Maple	Quercus - All species of oaks
Acer saccharum - Sugar Maple	Sophora japonica - Scholar Tree/Pagoda Tree
Carpinus betulus - European Hornbeam	Tilia americana - American Linden
Celtis occidentalis - Common Hackberry	Tilia cordata - Little Leaf Linden
Fagus sylvatica - European Beech	Tilia euchlora - Crimean Linden
Fraxinus americana - White Ash	Tilia petiolaris - Silver Linden
Fraxinus pennsylvanica - Green Ash	Ulmus hybrids - Homestead or Sapporo Autumn Gold
Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm
Gleditsia triacanthos - Thornless Locust	Zelkova serrata - Zelkova
Liriodendron tulipifera - Tulip Poplar	
Ostrya virginiana - Hop Hornbeam	

Note- This ordinance only regulates the species of trees that are used to meet requirements of the Borough. The species of trees that are not required by Borough ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
  - c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
  - d. Planting and Maintenance. Required trees shall be:
    - (1) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
    - (2) properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
- 804.D. Green Area Around Trees. A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted, a minimum vegetative area of 10 square feet of vegetative or mulched area shall be provided around each required tree.

804.E. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan showing proposed initial sizes, locations and species of plantings.

804.F. Landscape Maintenance. All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

804.G. Stormwater Basin Landscaping. The following requirements shall apply to landscaping within and around stormwater management basins covering more than 20,000 square feet in land area:

1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
2. Trees and shrubs shall be planted around stormwater basins that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Trees shall have an initial trunk diameter of 2 inches, measured 6 inches above the ground. Shrubs shall have an initial height of 4 feet.
3. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Borough Engineer.

805. **NONCONFORMITIES**.

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
  - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or
  - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
- c. As a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition of such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
  - (1) The lot must be a lawful nonconforming lot of record;
  - (2) Minimum setback requirements shall be met;
  - (3) State and Federal wetland regulations shall be met;
  - (4) If a septic or well is used, the requirements for such shall be met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
  - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
- d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
5. Nonconforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance. See also Section 707.

805.D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterward the building permit is issued and continues, and c) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section in Section 805.D.
2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
  - a. Traffic safety and generation (especially truck traffic),
  - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
  - c. Amount and character of outdoor storage,
  - d. Hours of operation if the use would be close to dwellings and
  - e. Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. **DUMPSTER SCREENING AND LOCATION.**

806.A. Site plans submitted to the Borough shall show the proposed location of any garbage dumpsters. The Borough may require that such proposed location be modified to provide compatibility with adjacent uses.

806.B. Garbage dumpsters of more than 5 cubic yards capacity shall be surrounded on all sides by a solid fencing, wall, landscaping and compatible gate with a minimum height of 5 feet if the dumpster would be visible from a street or another principally residential lot. This section 806 is not intended to regulate temporary dumpsters for construction or renovation debris, while a permitted while the work is active. This section 806 shall also not regulate the use of a dumpster on a lot developed with a building for up to 30 days per calendar year.

807. **PORTABLE STORAGE CONTAINERS.**

807.A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use.

807.B. The following regulations shall apply on a principally residential lot:

1. A portable storage container shall not be kept on a principally residential lot for a total of more than 4 months in any 2 year period, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
2. A maximum of one portable storage container shall be allowed per lot.

807.C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless it is necessary to temporarily hold materials for on-site construction.

807.D. The following shall apply to any portable storage container:

1. The container shall not obstruct safe sight distances at intersections.
2. The container shall not obstruct travel lanes of a street or a public sidewalk.
3. The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Borough. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
4. The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
5. A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

**ARTICLE 9**  
**AIRPORT OVERLAY DISTRICT REGULATIONS**

**901. FINDINGS AND PURPOSES.**

901.A. Findings. This Article recognizes that to prevent the creation or establishment of airport hazards, State law requires every municipality having an airport hazard area within its municipal borders to adopt, administer and enforce, airport zoning regulations for such airport hazard area. These regulations divide the area into zones and, within the zones, regulate the height to which structures may be erected or objects of natural growth may be allowed to grow.

901.B. Purposes.

1. To carry out the authority conferred by the PA. Airport Zoning Act, in addition to the authority of the PA Municipalities Planning Code.
2. To recognize that an obstruction along an airport approach has the potential for endangering lives and property; and that an obstruction may affect approach minimums of an airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to impair the utility of an airport and the public investment therein.
3. To prevent the creation or extension of obstructions that could be a hazard to air transportation.

**902. AIRPORT APPROACH DEFINITIONS.** The following definitions shall apply for the purposes of this Article 9:

902.A. Aircraft – Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

902.B. Airport – Any other area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-ways, together with all airport buildings and facilities thereon. As used herein, the term “Airport” includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

902.C. Airport Elevation – The highest point of an airport’s usable landing area measured in feet above sea level. The elevation of the Lehigh Valley International Airport is 394 feet.

902.D. Airport Hazard – Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by “Airport Hazard” in 74 PA Cons. Stat. §§5102.

902.E. Airport Hazard Area – Any area of land or water upon which an airport hazard might be established if not prevented as provided forth in this Article and the Act 164 of 1984 (PA Laws relating to Aviation).

902.F. Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in this Article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.



- 902.G. Approach, Transitional, Horizontal, and Conical Surface Zones – These zones are set forth in this Article.
- 902.H. Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 902.I. Department – PA Department of Transportation.
- 902.J. FAA – Federal Aviation Administration of the United States Department of Transportation.
- 902.K. Height – For the purpose of determining the height limits on all Airport Overlay District Zones set forth in this Article and shown on the Airport Surface Areas Map, the datum shall be mean sea level elevation unless otherwise specified.
- 902.L. Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.
- 902.M. Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- 902.N. Nonconforming Use – A use, whether of land, of an object of natural growth, or of structure, which does not comply with the applicable use provisions in this Article, or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Article or amendment, or prior to the application of this Article or amendment to its location by reason of annexation.
- 902.O. Non-Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- 902.P. Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Article.
- 902.Q. Person – An individual, firm partnership, corporation, company, association, joint stock association, governmental entity, or other legal entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- 902.R. Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- 902.S. Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 902.T. Private Airport – An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 PA Cons. Stat. §5102.

- 902.U. Public Airport – An airport which is either publicly or privately owned and which is open to the public as defined in 74 PA Cons. Stat. §5102.
- 902.V. Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- 902.W. Structure – Any man-made object having an ascertainable stationary location on or in land or water, or being mobile, whether or not affixed to the land, including without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines, but not including trellises, bird baths, mailboxes, and pole lights on residential properties.
- 902.X. Transitional Surfaces – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- 902.Y. Tree – An object of natural growth that may have a mature height greater than 40 feet.
- 902.Z. Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- 902.AA. Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.

**903. OVERLAY DISTRICT.** The areas shown as “Part 77 Surfaces” on the Airport Surface Areas Map shall serve as component parts of the Airport Overlay Zoning District. The Airport Overlay Zoning District shall serve as an overlay to all of the applicable underlying zoning districts. The Airport Overlay District regulations shall apply in addition to the underlying district regulations. If the overlay and underlying district regulations conflict regarding the same matter, the regulation that is most restrictive upon use, height and development shall apply. A version of the Airport Surfaces Map provided by the State Bureau of Aviation is attached. Applicants are encouraged to consult any more detailed version (such as one showing contours or at a larger scale) that may be available from the Airport Authority.

**904. AIRPORT SURFACE ZONES.**

904.A. There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to an airport. Such zones are shown on the Airport Surface Areas Map prepared under the direction of the PA. Bureau of Aviation, which is incorporated herein by reference and thereby made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined on the Airport Surface Areas Map, which may also be known as the Airport Approach Zoning Map.

- 1. Utility Runway Visual Approach Surface Zone – The zone is established beneath the visual approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The height limitation of this

zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Surface Zones – The transitional zones are established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Airport Surface Areas Map. See definition of “Transitional Surfaces” above.
3. Horizontal Surface Zone – The horizontal zone is established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway designated as utility or visual or 10,000 feet radii for all other runways, from the center of each end of the primary surface. The horizontal zone does not include the approach surface and transitional surface zones. The height restrictions of this zone are established at 150 feet above the established airport elevation.
4. Conical Surface Zone – The conical zone is established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet. The height limitations of this zone shall slope 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation.
5. Utility Runway Nonprecision Instrument Approach Surface Zone - Shall be established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The height limitation of this zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

#### **905. AIRPORT SURFACE ZONE HEIGHT LIMITATIONS.**

- 905.A. Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question according to the Airport Surface Zones Map, as described above.
1. 40 Feet Height Exception – Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure or tree to a height up to 40 feet above the surface of the land.

#### **906. AIRPORT ZONING REQUIREMENTS.**

- 906.A. Activities that Conflict with Aircraft Operations – No use shall be allowed in any airport approach zone that would: create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create high risk bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1. The burden of proof shall be upon the Airport Manager or designee or State Bureau of Aviation to provide evidence to the Zoning Officer that such a condition exists. It is not the responsibility of the Borough to independently identify such hazards.

906.B. Non-Confirming Uses –

1. Regulations Not Retroactive – The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 907 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently executed.
2. Marking and Lighting – In response to a specific written request from the Airport Authority staff that documents the need and the applicable part of these regulations, the owner of any existing nonconforming structure or tree may be required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the zoning officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

**907. AIRPORT APPROACH PERMITS AND VARIANCES.**

907.A. Future Uses – Except as specifically provided in 1, 2 and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted that would intrude into any zone created by this Article unless a zoning permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to permit a determination of whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If a determination is made that the proposal complies with this Article as well as other applicable Borough regulations, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 907.D.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
4. A permit is not required under this Article to maintain, repair or replace parts of existing structures which do not result in any increase in the intrusion into an airport approach zone.

5. Airport and State Review. When a permit is requested for a use or structure that may intrude into the airport approach zones, the applicant shall be required to provide written notice of such application to the Airport Manager and the State Bureau of Aviation. As of 2011, such State review shall be accomplished by completing and submitting PennDOT Form AV-57, or its successor. No permit shall be issued unless a favorable review is provided by such entities or unless a minimum of 30 days has passed from the date such notice was received by such entities. The Zoning Officer is not obligated to issue a permit within 30 days, and may delay issuance while awaiting further evidence of compliance. The Zoning Officer shall rely upon any written determination by State Bureau of Aviation and/or other qualified credible professionals regarding whether there is compliance or not with the Airport Approach zoning regulations.
- 907.B. Existing Uses – Before any nonconforming structure that intrudes into the airport approach zones may be replaced, extended or rebuilt, a permit must be secured from the zoning officer. Such nonconforming structure or object shall not be allowed to extend into the airport approach zone by a greater extent than previously lawfully existed, unless a variance is approved.
- 907.C. Nonconforming Uses Abandoned or Unstable – If the Zoning Officer is made aware that an existing structure that intrudes into the airport approach zones has become abandoned or that a tree that intrudes into the airport approach zones has died or become unstable, the Zoning Officer may require its removal by the owner of the property.
- 907.D. Variance – Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply for a variance from the zoning regulations in question pursuant to Article 1. A variance shall only be granted after the requirements of Section 111.D. are satisfied, in addition to the following standards:
1. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to serve the purposes of this Article and this Ordinance. These conditions should include any reasonable mitigation measures recommended by the Federal Aviation Administration, Bureau of Aviation or the Airport Operator.
  2. The Zoning Hearing Board shall notify the State Bureau of Aviation in writing of any decision to approve a variance to this Article. This notice shall be sent within 10 days after the decision.
  3. Prior to submittal to the Borough, the applicant for a variance to this Article shall submit a written notice of such application to the Federal Aviation Administration, the State Bureau of Aviation and the Airport Manager (or equivalent position). The Zoning Hearing Board shall consider any written comments provided from such entities. As of 2011, the FAA required that the applicant submit FAA Form 7460 or its successor form. The Zoning Hearing Board shall not vote to approve the variance application unless a minimum of 30 days has passed after such submittals were received by such entities. The Zoning Hearing Board is not obligated to vote upon a variance after such 30 days, but instead shall make a decision within the timing allowed by the Municipalities Planning Code.
  4. The Zoning Hearing Board in no case shall approve a variance where the Federal Aviation Administration and/or the Bureau of Aviation provide a written finding that the proposed structure would result in increased hazards to air travel.
- 907.E. Hazard Marking and Lighting – In granting any permit or variance under this section, the Zoning Hearing Board may, as it deems advisable and reasonable under the circumstances, condition the

approval or variance upon the owner of the structure or object in question installing, operating and maintaining such markers and lights as are consistent with guidelines or regulations adopted by the FAA. Such markers and lights shall be funded by the owner of such structure or object, unless specifically agreed upon otherwise.

**908. ZONING HEARING BOARD AUTHORITY REGARDING AIRPORT APPROACHES.** The Zoning Hearing Board shall have the following additional authority: 1) to hear and decide appeals from any order, requirement, decision, or determination made by the zoning officer in the enforcement of this Article; 2) to hear and decide any special exception approval authorized by the terms of this Article; and 3) to hear and decide specific variance requests to this Article.

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This index is intended to assist applicants in locating appropriate sections. However, this index is not all-inclusive and is not an official part of the Ordinance.

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