

Chapter 27

Zoning

Part 1 Administration

- §27-101. Applicability of this Chapter
- §27-102. Purposes and Community Development Objectives
- §27-103. Permits and Certificates
- §27-104. General Procedure for Permits
- §27-105. Interpretation and Uses Not Regulated
- §27-106. Enforcement, Violations and Penalties
- §27-107. Fees
- §27-108. Amendments to this Chapter
- §27-109. Curative Amendments
- §27-110. Zoning Officer
- §27-111. Zoning Hearing Board Actions and Variances
- §27-112. Board Hearings and Decisions
- §27-113. Appeals to Court
- §27-114. Limited Public Utility Exemptions
- §27-115. Limited Borough and Municipal Authority Exemption
- §27-116. Special Exception Use Process
- §27-117. Liability
- §27-118. Conditional Use Process

Part 2 Definitions

- §27-201. General Interpretation
- §27-202. Terms Defined

Part 3 Districts, Permitted Uses and Yard Requirements

- §27-301. Designation of Districts and Purposes
- §27-302. Application of District Regulations
- §27-303. Zoning Map
- §27-304. District Boundaries
- §27-305. Setbacks and Buffers Across Municipal Boundaries
- §27-306. Table of Permitted Uses by District
- §27-307. Dimensional Requirements in Each District

Part 4 Additional Requirements for Specific Uses

- §27-401. Applicability
- §27-402. Additional Requirements for Specific Principal Uses

§27-403. Additional Requirements for Accessory Uses

**Part 5
Environmental Protection**

§27-501. Erosion Control
§27-502. Nuisances and Hazards to Public Safety
§27-503. Wetlands
§27-504. Flood-Prone Areas ("Floodplain")
§27-505. Noise
§27-506. Odors and Dust
§27-507. Control of Light and Glare

**Part 6
Off-Street Parking and Loading**

§27-601. Required Number of Parking Spaces
§27-602. General Regulations for Off-Street Parking
§27-603. Design Standards for Off-Street Parking

**Part 7
Signs**

§27-701. Applicability
§27-702. Nonconforming Signs
§27-703. Miscellaneous Signs Not Requiring Permits
§27-704. Freestanding, Wall and Window Signs
§27-705. Abandoned or Outdated Signs
§27-706. Location of Sign
§27-707. Illumination of Signs
§27-708. Vehicles Functioning as Signs
§27-709. Prohibited Signs
§27-710. Construction of Signs
§27-711. Measurement and Major Types of Signs
§27-712. Off-Premises Signs (Including Billboards)

**Part 8
General Regulations**

§27-801. Frontage Required onto Improved Streets; Number of Uses or Buildings;
Minimum Size of Dwellings
§27-802. Height Exceptions
§27-803. Special Lot and Yard Requirements, Sight Distance and Buffer Yards
§27-804. Landscaping
§27-805. Nonconformities
§27-806. Dumpster Screening and Location

Part 1**Administration****§27-101. Applicability of this Chapter.**

This Zoning Ordinance shall apply throughout the Borough of North York. Any activity regulated by this Chapter shall only occur in such a way that conforms with the regulations of this Chapter. See §27-103.1.

(*Ord. 12/18/2003*, §101)

§27-102. Purposes and Community Development Objectives.

This Chapter is hereby adopted in accordance with the following purposes, which shall serve as Community Development Objectives, in addition the purposes provided for each district in §27-301.

A. The requirements and purposes of the Pennsylvania Municipalities Planning Code, as amended, including but not limited to §§604 and 605, 53 P.S. §§10604 and 10605, or their successor section(s).

B. The goals and objectives of the North York Comprehensive Plan and the County Comprehensive Plan.

C. The following additional objectives:

(1) Protect existing residential neighborhoods.

(2) Promote innovative residential design that encourage the creation of a sense of community for undeveloped parcels.

(3) Provide diverse housing opportunities, including housing that is affordable.

(4) Encourage adaptive reuse and infill development.

(5) Protect sensitive and important natural features from indiscriminate development.

(6) Stimulate economic development and revitalization by attracting commercial uses (such as retail, service and specialty stores) to appropriate areas.

(7) Provide opportunities for home occupations of limited intensity.

(8) Promote the preservation of historic resources.

(9) Coordinate future land and roadway functions to maximize safe and efficient use of major roads.

(10) Coordinate road improvements with planned roadway functions, design standards and planned land uses.

(11) Assure that future development provides for access designs and planned locations that minimize traffic congestion and safety problems. Encourage needed improvements to be completed by developers.

(12) Promote alternative means of transportation, such as pedestrian movement bicycles, public transit and carpooling.

(13) Seek to minimize the need for zoning variances for routine improvements.

(Ord. 12/18/2003, §102)

§27-103. Permits and Certificates.

1. Applicability.

A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Chapter.

(1) Erection, construction, movement, alteration, razing demolition removal, placement or extension of a structure, building or sign.

(2) Change of the type of use or expansion of the use of a structure or area of land.

(3) Creation of a lot or alteration of lot lines.

(4) Creation of a new use.

B. *Zoning Permit.* A zoning permit indicates that a zoning application complies with this Chapter to the best knowledge of the applicable Borough staff.

(1) A zoning permit is required to be issued prior to the start of any of the following activities:

(a) Erection, construction movement, placement, razing demolition, removal, alteration or expansion of a structure, building or sign.

(b) Change of the type of use or expansion of the use of a structure or area of land.

(c) Creation of a new use.

(d) Demolition of a building.

(e) Alteration of a building that is required to have a zoning permit under §27-309 of this Chapter.

(2) The Borough may, at its option, issue combined or separate building permits and zoning permits and/or may utilize a single or separate application for the permits.

C. Certificate of Use and Occupancy.

(1) The Borough staff may permit the zoning permit application to serve as the application for the certificate of use and occupancy.

(2) The certificate of use and occupancy shall only be issued by the Borough staff if the Zoning Officer determines that the use, construction or activity complies with this Chapter, to the best knowledge of the Zoning Officer. The Borough may also withhold issuance of the Certificate until there is compliance with other Borough ordinances.

(3) The applicant shall keep a copy of the certificate of use and occupancy available for inspection.

(4) Upon the request of an applicant, the Zoning Officer may issue a temporary certificate of use and occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work

covered by the permit has been completed.

(a) However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.

(b) The temporary certificate shall establish in writing a maximum time period under which it is valid. A 6-month maximum time period shall apply if not otherwise specified.

(c) Failure to receive a permanent certificate of use and occupancy with such time period shall be a violation of this Chapter.

(d) The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

(e) See also §27-103.7.

2. *Types of Uses.*

A. *Permitted by Right Uses.* The Zoning Officer shall issue a permit under this Chapter in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Chapter.

B. *Special Exception Use or Application Requiring a Variance.* A permit under this Chapter or a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

3. *Applications.*

A. *Submittal.* All applications for a zoning permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff-person.

B. *Site Plan.* The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:

(1) Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features.

(2) Notes showing the dimensions of all buildings from lot lines and street rights-of-way.

(3) Locations of any watercourses and any 100-year floodplain.

(4) Proposed lot areas, lot widths and other applicable dimensional requirements.

(5) Locations and widths of existing and proposed sidewalks.

C. *Additional formation.* Any application under this Chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Chapter:

(1) The address of the lot.

(2) Name and address of the applicant, and of the owner of the property

if different from the applicant.

(3) A description of the proposed use of the property.

(4) All other applicable information listed on the official Borough application form.

(5) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Chapter.

D. *Submittals to the Board.* In addition to the information listed in paragraph .C above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Chapter:

(1) The present zoning district and applicable lot requirements.

(2) For a nonresidential use:

(a) A description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.

(b) A list of the maximum hours of operation.

(3) The existing directions of stormwater flow (and proposed revision), and any proposed methods of stormwater management.

(4) A listing of any Sections of this Chapter being appealed, with the reasons for any appeal.

(5) Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single-family detached dwelling").

(6) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.

(7) Name and address of person who prepared the site plan.

(8) Signed acknowledgment of the site plan by the applicant.

(9) Such additional information required under applicable Sections of this Chapter.

E. *Ownership.* No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Part 2).

4. *Issuance of Permits.*

A. At least one copy of each permit application and any other zoning approval shall be retained in Borough files.

B. *PennDOT Permit.* Where necessary for access onto a State road, a Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT highway occupancy permit.

5. *Revocation of Permits, Appeal of Permit or Approval.*

A. *Revocation.* The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Chapter in case of one or more of the following:

(1) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code, 18 Pa.C.S.A. §101 *et seq.*, provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)

(2) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance.

(3) Any work being accomplished or use of land or structures in such a way that does not comply with this Chapter or an approved site plan or approved permit application.

(4) For any other just cause set forth in this Chapter.

B. *Appeals.* A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Chapter within the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* Any such appeal shall occur within the time period established in the Pennsylvania Municipal Planning Code. (As of the adoption date of this Chapter, such provision were in §§914.1 and 1002-A, 53 P.S. §§10914.1, 11002-A).

6. *Zoning Permit for Temporary Uses and Structure.*

A. A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:

(1) A customary, routine and accessory short-term, special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted.

(2) Temporary storage and office trailers that are necessary to serve on-site construction while such construction is actively underway.

(3) Such other activities that the applicant proves are routine customary and temporary.

B. *Time Period.* The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 6-month maximum period shall apply. A temporary permit may be renewed for just cause for periods of up to 1 year.

7. *Compliance with Borough Subdivision and Development Ordinance.* If an application under this Chapter would also be regulated by the Borough Subdivision and Land Development Ordinance ("SALDO") [Chapter 22], then any permit or approval under this Chapter shall automatically be conditioned upon compliance with the SALDO. See the definitions of "land development" and "subdivision" in the SALDO [Chapter 22].

A. For example, if an applicant applies for a single-family detached dwelling on a proposed new lot the construction permit for such dwelling shall not be valid

until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

(*Ord. 12/18/2003*, §103)

§27-104. General Procedure for Permits.

1. After receiving a proper application, the Zoning Officer shall either: (A) issue the applicable permit(s) or (B) deny the application(s) as submitted indicating one or more reasons. A permit for permitted by right use that complies with this Chapter should be issued within 90 days after complete application is submitted.

2. After the permit under this Chapter has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30-day appeal period shall be at the risk of the applicant.

(*Ord. 12/18/2003*, §104)

§27-105. Interpretation and Uses Not Regulated.

1. *Minimum Requirements.* Where more than one provision of this Chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Chapter are in addition to any other applicable Borough ordinance.

2. *Uses Not Specifically Regulated.* If a use clearly is not permitted by right, or as a special exception use by this Chapter within any zoning district, the use is permitted, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

A. The proposed use would be equal or less intensive in external impacts and nuisances than uses that are permitted in the district.

B. The proposed use would be closely similar in character to uses permitted in that district, considering the same standards as are listed in §27-805.6.C.

C. The use would meet the standards that would apply under §27-116.3 to a special exception use.

D. The use is not specifically prohibited in that district.

3. *Interpretation of Ordinance Text and Boundaries.*

A. The Zoning Officer shall literally apply the wording of this Chapter and the location of all district boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.

B. If an applicant disagrees with the Zoning Officer's determination and believes that this Chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See §27-111.

4. *Undefined Terms/Interpretation of Definitions.* See §27-201.

5. *Interpretation of Zoning Boundaries.* See §27-304.

(Ord. 12/18/2003, §105)

§27-106. Enforcement, Violations and Penalties.

1. *Violations.* Any person or entity that commits or permits any of the following actions shall have violated this Chapter:

A. Failure to secure a zoning permit prior to a change in use of land or structure or the erection, construction or alteration of any, structure or portion thereof, or the excavation of land to prepare for the erection construction or alteration of any structure or portion thereof.

B. Placement of false statements on or omitting relevant information from an application for a zoning permit.

C. Undertaking any action in a manner which does not comply with a zoning permit.

D. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.

E. Violation of any condition imposed by a decision of the Borough Council in granting a conditional use.

2. *Causes of Action; Enforcement; Remedies.*

A. *Enforcement.* If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice the Zoning Officer may at his/her option informally request compliance.'

B. *Enforcement Notice.* The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following, at a minimum:

(1) The name of the owner of record and anyone intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed. Unless otherwise stated in the enforcement notice, the property must come into compliance within 30 days after the date of receipt of the notice.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter. (Note: See §27-111.5 of this Chapter and 914.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10914.1.)

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

3. *Evidence; Fees.* In any appeal of an enforcement notice to the Zoning Hearing

Board, the Borough shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

4. *Causes of Action.* If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify Borough's Council. With the consent of Borough Council, the Zoning Officer, Borough Solicitor or other officer of the Borough may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. (Note: §617 of the Pennsylvania Municipalities Planning Code also addresses actions by other parties, 53 P.S. §10617).

5. *Violations and Penalties.* Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless a magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fee collected for the violation of this Chapter shall be paid over to the Borough. Imprisonment shall not be authorized by this Chapter. [*Ord. 2006-3*]

(*Ord. 12/18/2003*, §106; as amended by *Ord. 2006-3*, 7/10/2006)

§27-107. Fees.

A Borough fee schedule for permits and applications may be established and amended by written resolution of Borough Council. No application or appeal shall be considered filed until all fees are paid.

(*Ord. 12/18/2003*, §107)

§27-108. Amendments to this Chapter.

Within the requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, Borough Council may amend, or repeal any or all, portion of this Chapter on: (A) its own motion or (B) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

(*Ord. 12/18/2003*, §108)

§27-109. Curative Amendments.

A landowner or Borough Council may utilize the "curative amendment" provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (Note: As of the adoption date of this Chapter, these provisions were in §§609.1, 609.2 and 916.1 of such Act, 53 P.S. §§10609.1, 10609.2, 10916.1.)

(Ord. 12/18/2003, §109)

§27-110. Zoning Officer.

1. *Appointment.* The Zoning Officer shall be appointed by Borough Council. The Borough Manager may designate other persons to serve as Assistant Zoning Officer(s). Such designations shall be subject to concurrence by Borough Council. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.

2. *Duties and Powers.* The Zoning Officers duties and powers shall include the following:

A. Administer this Chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this Chapter, and issue or refuse permits within the provisions of this Chapter.

B. Conduct inspections to determine compliance, and receive complaints of violation of this Chapter.

C. Keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Borough and being available for public inspection.

D. Review proposed subdivisions and land developments for compliance with this Chapter.

E. Take enforcement actions as provided by the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

(Ord. 12/18/2003, §110)

§27-111. Zoning Hearing Board Actions and Variances.

1. *Membership of Board.* The Zoning Hearing Board shall consist of residents of the Borough appointed by Borough Council. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough.

A. *Alternate Members.* Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (Note: As of to adoption date of this Chapter such provisions were in §903(b) of such Act, 53 P.S. §10103(b)).

2. *Vacancies.* Appointments to fill vacancies shall be only for the unexpired portion of a term.

3. *Organization.* The applicable provisions of the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*, shall apply. (As of the adoption date of this Chapter, these provisions were in §906(a), (b) and (c) of such Act, 53 P.S. §10906(a), (b) and (c)).

4. *Zoning Hearing Board Jurisdiction and Functions.* The Zoning Hearing Board shall be responsible for the following:

A. *Appeal of a Decision by the Zoning Officer.*

(1) The Board shall hear and decide appeals where it is alleged by an affected person, entity or Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this Chapter.

(2) See time limitations for appeals in §27-111.6.

B. *Challenge to the Validity of the Ordinance or Map.* The applicable provisions of the Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Chapter, these provisions were primarily in §§909.1 and 916 of such Act, 53 P.S. §10909.1, 10916).

C. *Variance.*

(1) The Board shall hear requests for variances filed with the Borough staff in writing.

(2) *Standards.* The Board may grant a variance only within the limitations of State law. (Note: As of the adoption date of this Chapter, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

(a) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

(b) Because of such physical circumstances or conditions, there is no possibility that the property call be developed in strict conformity with the provisions of this Chapter and a variance is therefore necessary to enable the reasonable use of the property.

(c) Such unnecessary hardship has not been created by the appellant.

(d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)

(3) In granting any variance the Board may attach such reasonable conditions and safeguards as it may, deem necessary to implement the purposes of this Chapter.

D. *Special Exception.*

(1) The Board shall hear and decide requests for all special exceptions filed with the Borough staff in writing. The Board shall only permit a special exception that is authorized by this Chapter. See §27-116.

(2) *Conditions.* In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter as it may deem necessary to implement the purposes and intent of this Ordinance.

E. *Persons with Disabilities.* After the Zoning Officer receives a complete written application the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are necessary to provide a "reasonable accommodation" under applicable Federal law to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

(1) Such reasonable accommodations shall be requested in accordance with the United States Fair Housing Amendments Act of 1988, or the Americans with Disabilities Act.

(2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the property.

F. The Zoning Hearing Board shall also hear any other matters as set forth in the Municipalities Planning Code, as amended. (Note: As of the adoption date of this Chapter, such provisions were primarily within §909.1 of such law, 53 P.S. §10909.1.)

5. *Time Limits for Appeals.* The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Chapter, these provisions were in §914.1 of such Act, 53 P.S. §10914.1.)

6. *Stay of Proceedings.* The stay of proceedings provisions of the Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Chapter, such provisions were in §915.1 of such Act, 53 P.S. §10915.1.)

7. *Time Limits on Permits and Approvals.*

A. Unless otherwise provided by the Zoning Hearing Board or Borough Council in a decision granting approval, after a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.

B. *Extension.* Unless otherwise provided by the Zoning Hearing Board of Borough Council in a decision granting approval, in response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.

C. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the

applicant has waived, withdrawn or abandoned approvals and permits under this Chapter and may consider all such approvals and permits to have become null and void.

(*Ord. 12/18/2003, §111*)

§27-112. Board Hearings and Decisions.

The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board:

A. *Notice of Hearings.* Notice of all hearings to the Board shall be given as follows:

(1) *Ad.* Public notice shall be published, as defined by §107 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10107 *et seq.* (Note: As of the adoption date of this Chapter, "public notice" was defined as follows: "Notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication not less than 7 days from the date of the hearing.")

(2) *Posting.* Notice of such hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing. The Borough staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.

(3) *Persons Given Notice.* The Borough shall provide written notice to the applicant of the time and place of the hearing. The Borough should also provide notice to the President of Borough Council. In addition, the Borough should provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property; however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

B. *Initiation of Hearings.* A hearing required under this Chapter shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

C. *Decision / Findings.*

(1) The Board shall comply with the time period established in §908(1.2) of the Municipalities Planning Code, as amended, 53 P.S. §10908(1.2), for the scheduling of hearings.

(2) The Board shall render a written decision on each application with 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.

(3) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.

(4) References shall be provided to the most pertinent section(s) of this Chapter and/or the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

D. *Notice of Decision.* A copy of the final decision shall be personally delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the Municipalities Planning Code, as amended. (Note: As of the adoption date of this Chapter, such provisions were within §§908(9) and 908(10) of such Act, 53 P.S. §10908(9), 10908(10), including provisions regarding notice to other parties).

E. *State Law.* See also §908 of the Municipalities Planning Code, 53 P.S. §10908.

(Ord. 12/18/2003, §112)

§27-113. Appeals to Court.

The provisions for appeals to court that are stated in the Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Chapter, these provisions were in §§1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act, 53 P.S. §§11001-A – 11006-A).

(Ord. 12/18/2003, §113)

§27-114. Limited Public Utility Exemptions.

See the provisions of the Municipalities Planning Code, as amended. (Note: As of the adoption date of this Chapter, such provisions were within §619 of such Act, 53 P.S. §10619.)

(Ord. 12/18/2003, §114)

§27-115. Limited Borough and Municipal Authority Exemption.

The minimum lot area, minimum lot width and minimum street frontage requirements of this Chapter shall not apply to uses or structures owned by North York Borough or by a municipal authority created solely by North York Borough for uses and structures that are intended for a public utility, stormwater, recreation, or public health and safety purpose.

(Ord. 12/18/2003, §115)

§27-116. Special Exception Use Process.

1. *Purpose.* The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

2. *Special Exception Procedure.*

A. See submission provisions in §27-103.

B. All site plans shall contain the information required in §27-103.3).

C. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Chapter.

D. The Board shall follow the procedures provided in §27-112.

3. *Consideration of Special Exception Applications.* When special exceptions are

provided or in this Chapter, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria for the use and the following standards for special exceptions. The burden of proof shall rest with the applicant.

A. *Compliance with this Chapter.* The applicant shall establish by credible evidence compliance with all requirements upon the use that are established by this Chapter. The applicant shall provide the Zoning Hearing Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

B. *Compliance with Other Requirements.* Will not clearly be in conflict with other Borough ordinances or State or Federal laws or regulations known to the Zoning Hearing Board. The Board may condition zoning approval upon future proof of compliance with another ordinance, law or regulation.

C. *Transportation.* The traffic generated by the subject of the application shall be accommodated in a safe and efficient manner, after considering any improvements that the applicant commits to complete or fund. The applicant shall show that the use will not result in or substantially add to a significant traffic hazard, significant traffic congestion or a significant pedestrian safety hazard.

D. *Neighborhood.* The proposed use shall not significantly negatively impact upon the desirable character of an adjacent established residential neighborhood, such as causing substantial amounts heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/early morning hours of operation, without proper safeguards.

E. *Site Planning.* The applicant shall establish by credible evidence that the proposed use will be properly designed with regard to internal circulation, driveway access, site layout, parking layout, buffering, and all other elements of proper site design.

F. *Safety.* The applicant shall establish by credible evidence that lie proposed use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

4. *Conditions.* In granting special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Chapter) as it determines are necessary to implement the purposes of this Chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Chapter.

(Ord. 12/18/2003, §116)

§27-117. Liability.

1. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes, or any other review, approval or permit under this Chapter by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty, of any kind by the Borough, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure use or

subdivision and shall create no liability upon nor a cause of action against such entity, or person for any damage that may result pursuant thereto.

2. If the Zoning Officer mistakenly issues a permit under this Chapter, the Borough shall not be liable for any later lawful withdrawal of such permit.

(Ord. 12/18/2003, §117)

§27-118. Conditional Use Process.

1. *Purpose.* The conditional use approval process is designed to allow Borough Council the opportunity to review and render a decision upon certain activities and uses that could have a significant impact upon the Borough

2. *Procedure.* Applications for conditional use approvals shall meet all requirements in this Sections of this Chapter which authorize such conditional use. Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

3. *Consideration of Conditional Use Application.* When a conditional use is provided for in this Chapter, Borough Council shall hear and decide requests for such conditional uses in accordance with the applicable standards and criteria for the use and the following standards. Borough Council may grant approval of a conditional use provided that the applicant complies with all of the applicable standards and criteria. The burden of proof shall rest with the applicant.

4. *Conditions.* Borough Council in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in this Chapter.

A. *Compliance with this Chapter.* The applicant shall establish by credible evidence that the application will comply with all requirements upon the use that are established by this Chapter. The applicant shall provide Borough Council with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

B. *Compliance with Other Requirements.* The application shall not clearly be in conflict with other Borough ordinances or State or Federal laws or regulations known to Borough Council. Borough Council may condition zoning approval upon future proof of compliance with another ordinance, law or regulation.

C. *Transportation.* The applicant shall establish by credible evidence that the traffic generated by the subject of the application will be accommodated in a safe and efficient manner, after considering any improvements that the applicant commits to complete or fund. The applicant shall show that the use will not result in or substantially add to a significant traffic hazard, significant traffic congestion or a significant pedestrian safety hazard.

D. *Neighborhood.* The applicant shall establish by credible evidence that the proposed use will not significantly negatively impact upon the desirable character of an adjacent established residential neighborhood, such as causing substantial

amounts of heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/early morning hours of operation, without proper safeguards.

E. *Site Planning*. The applicant shall establish by credible evidence that the proposed use will be properly designed with regard to internal circulation, driveway access, site layout, parking layout, buffering, and all other elements of proper site design.

F. *Safety*. The applicant shall establish by credible evidence that the proposed use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

(Ord. 12/18/2003, §118)

Part 2**Definitions****§27-201. General Interpretation.**

For the purpose of this Chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural and the masculine shall include the feminine, and vice-versa.
- F. Any word or term not defined in this Chapter shall have its plain and ordinary meaning within the context of this Section. A standard reference dictionary should be consulted.
- G. The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation partnership, trust organization of association, as well as an individual.

(Ord. 12/18/2003, §201)

§27-202. Terms Defined.

When used in this Chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or *abutting* - areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Accessory structure (includes accessory building) - a structure serving a purpose customarily incidental to and subordinate to the use of the principal use or structure, and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "accessory building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory use - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent - two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult bookstore - an establishment in which over 10 percent of the total floor area is occupied by books, films, periodicals and video tapes which are distinguished by a clear emphasis on displaying uncovered male or female genitals or "specified sexual activities" or by paraphernalia or novelties related to specified sexual activities and which items are offered for sale, rent or receipt of coins or tokens. If such items are within a room(s) that is restricted to persons age 18 or older, then this definition shall apply to any establishment in which over 10 percent of the floor area is within such restricted room(s).

Adult day care center - a use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult live entertainment facility - a use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person or entity involved in such activity or establishment.

Adult movie theater - a use involving the presentation to three or more persons at one time in a room of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

Adult use - this term shall include any of the following uses: adult book store, adult movie theater, massage parlor or adult live entertainment facility.

After hours club - a use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Alley - for the purposes of this Chapter, shall mean a vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear of one or more lots, and which is not intended for through traffic.

Antenna, standard - a device, partially or wholly exterior to a building, that is used for receiving electronic signals or for transmitting short-wave or citizens band radio frequencies. This shall include antennae used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "commercial communications antenna." This term includes any accessory supporting structures.

Apartment - see "dwelling types."

Applicant - a landowner or developer, as defined by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, who has filed an application for development. The term shall include his/her heirs, successors and assigns.

Assisted living facility - coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

Auto, boat and/or mobile/manufactured home sales - an area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

Auto repair garage - an area where repairs, improvements and installation of parts and accessories for motor vehicles, recreational vehicles, trailers and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of auto service station. An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage."

Auto service station - an area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that maybe conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station.

Basement - an enclosed floor area partly or wholly underground. A basement shall be considered a "story" if (1) the majority of the basement has a clearance from floor to ceiling of 7 feet or greater and (2) the top of the ceiling of the basement is an average of 5 or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

Bed and breakfast inn - a dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in §27-402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight

guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family.

Boarding house (includes "rooming house") - a residential use in which: (1) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (2) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of a hotel, dormitory, motel, assisted living center, bed and breakfast inn, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough - Borough of North York, York County, Pennsylvania.

Buffer yard - a strip of land that (1) separates one use from another use or feature, and (2) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See §27-803.

Building - any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building coverage - the percentage obtained by dividing the maximum land area in square feet of all principal and accessory buildings by the total lot area of the lot upon which the buildings are located.

Building, principal - a building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building width - the horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Cartway - the paved portion of a street designed for vehicular traffic and on-street parking but not including the shoulder of the street.

Church - see "place of worship."

Commercial communications tower or antenna - a structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for cellular telephone communications. See §27-402.

Commercial district - the NC and MU Zoning Districts.

Commercial use - includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community center - a use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional use - a use that is only allowed under this Chapter if conditional use approval is obtained. Conditional use approval shall be required from Borough Council, after the Planning Commission is provided an opportunity for a review.

Condominium - a set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980, 68 Pa.C.S.A. §3101 *et seq.*, or Uniform Planned Community Act of 1996, 68 Pa.C.S.A. §5101 *et seq.*, as amended.

Conservation easement - a legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Crafts or artisan's studio - a use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

Day care, child - a use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" program. See also the definition of "adult day care center."

(1) The following three types of day care are permitted without regulation by this Chapter: (a) care of children by their own "relatives," (b) care of children within a place of worship during regularly scheduled religious services and (c) care of one to three children within any dwelling unit, in addition to children who are "relatives" of the care giver.

(2) *Family Day Care Home (or "Child Day Care as Accessory Use")*. A type of "day care" use that: (a) is accessory to and occurs within a dwelling unit, and (b) provides care for four to six children at one time who are not "relatives" of the primary care giver. See §27-403.

(3) *Group Day Care Home*. A type of "day care" use that: (a) provides care for between 7 and 12 children a one time who are not "relatives" of the primary care giver, (b) provides care within a dwelling unit, and (c) is registered with

the applicable State agency.¹

(4) *Child Day Care Center*. A type of "day care" use that: (a) provides care for seven or more children at any one time who are not "relatives" of the primary care giver, (b) does not meet the definition of a Group Day Care Home, and (c) is registered with the applicable State agency.¹ See §27-402.

Density - the total number of dwelling units on a lot divided by the "lot area," unless otherwise stated.

DEP - the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or *zoning district*) - a land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Chapter.

Drive-through service - an establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling - a building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling types - this Chapter categorizes dwellings into the following types:

(1) *Conversion Apartment* - a new dwelling unit created within an existing building within the standards of Part 4 and where permitted by Part 3 and meeting the floor area requirements of Part 8.

(2) *Apartments (also known as "Multi-Family Dwellings")*. Three or more dwelling units within a building that do not meet the definition of a single-family detached dwelling, two family dwelling, single-family semi-detached dwelling or single-family attached dwelling (townhouse). The individual dwelling units may be leased or sold for condominium ownership.

(3) *Sectional or "Modular" Home*. A type of dwelling that meets a definition of a dwelling type other than a "manufactured/mobile home," and which is substantially produced in two or more major sections off the site and then is assembled and completed on the site. Unlike a manufactured/mobile home, a sectional home is supported structurally by its exterior walls and rests on a permanent foundation. This Chapter does not regulate whether or not a building involves sectional construction.

(4) *Single-family Detached Dwelling*. One dwelling unit in one building accommodating only one family and having open yard areas on all sides. A single-family detached dwelling may be mobile/manufactured home.

(a) *Mobile/Manufactured Home*. A type of single-family detached dwelling that meets all of the following requirements: (1) is transportable, (2) which is intended for permanent occupancy, (3) which is contained in a single unit, or two substantial units designed to be joined into one integral unit capable of again being separated for repeated, (4) which arrives at a site complete and ready for occupancy except for minor and

¹Note: As of the adoption date of this Chapter, such agency was the Pennsylvania Department of Public Welfare.

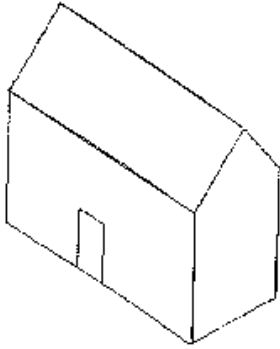
incidental unpacking and assembly operations, and (5) is constructed so that it may be used with or without a permanent foundation. The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "sectional home," which is defined above. See standards in §27-402.

(5) *Single-family Semi-detached Dwelling (also known as a "Twin Dwelling Unit")*. One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

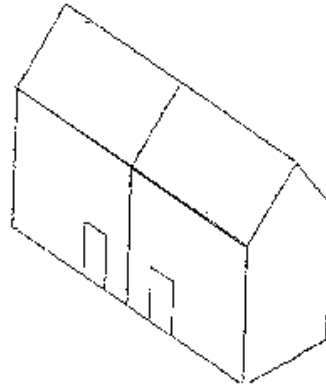
(6) *Two Family Dwelling*. Two dwelling units in one building, which are detached from other dwellings, and which does not meet the definition of a single-family semi-detached dwelling. In most cases, this involves one dwelling unit located above a second dwelling unit.

(7) *Single-family Attached Dwelling (also known as a "Townhouse or Rowhouse")*. One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in §27-402.

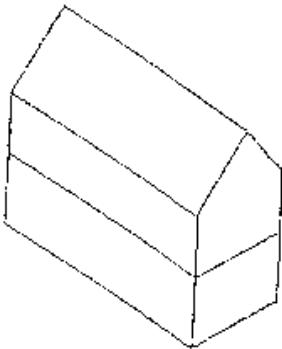
DWELLING TYPES



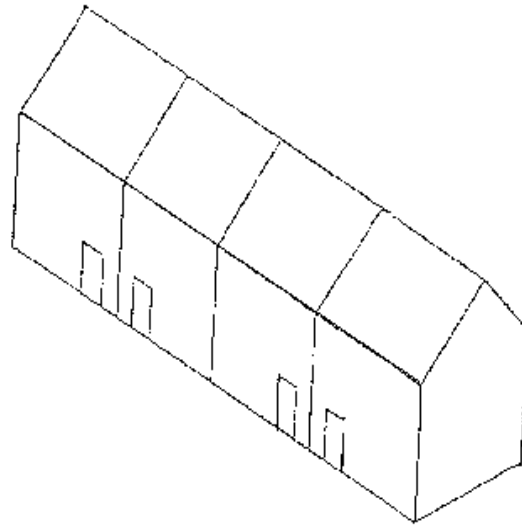
Single Family Detached Dwelling



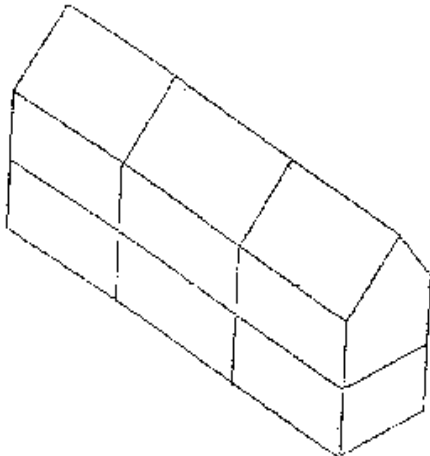
2 Single Family Semi-Detached Dwellings
(2 Twin Dwellings)



Two Family Detached Dwellings



4 Single Family Attached Dwellings (Townhouses)



Apartments (Multi-Family Dwellings)

Dwelling unit - a single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: (1) its own toilet, bath or shower, sink, sleeping and cooking facilities and (2) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. Unless approved as a "unit for care of relative," a dwelling unit shall not include either or both of the following: (1) two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, or (2) two separate and distinct sets of kitchen facilities.

Emergency services station - a building for the housing of fire, emergency medical or police equipment and for related activities. A membership club may be included if it is a permitted use in that district. This use may include housing for emergency personnel while on-call.

Employees - the highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential services - utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary, appropriate and accessory to the character of the area in which they are to be located. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trues or equipment or bulk storage of materials.

Family - one or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or a maximum of three unrelated individuals who maintain a common household and live within one dwelling unit. A dwelling unit shall be occupied by a maximum of one family. Also, a family shall expressly include numbers of unrelated persons allowed by the group home provision of §27-402 residing within an approved group home or as approved under §27-111.4.E.

Fence - a man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. See §27-403.

Floor, area, total - the total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: (1) fully enclosed porches and (2) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed porches, decks or breezeways.

Garage sale - the accessory use of any lot for the occasional sale or auction of common household goods and furniture and items of a closely similar character. See §27-403.

Glare - a sensation of brightness within the visual field which causes

annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See §27-507.

Financial institution - an establishment primarily involved that has routine interactions with the public.

Floodplain - see definitions of "floodplain" and related towns in the Floodplain Ordinance [Chapter 8].

Government facility other than Borough-owned - a use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by North York Borough. This term shall not include uses listed separately in the table of uses in Part 3, such as "publicly owned recreation." This term shall not include a prison.

Group home - a dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to old age, long-term illness or emotional, developmental, mental or physical disability. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use:

- (1) Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- (2) A group home shall not include a "treatment center."
- (3) See standards in §27-402.

Height - the vertical distance measured from the average elevation of the proposed ground level along the front of the structure to the highest point of a structure. For a building with a defined and pitched roof, an area equal to 20 percent of the building coverage may exceed the maximum height by 10 feet to provide for the roof peak, provided such 20 percent is not occupied by persons. See exemptions for certain types of structures in §27-802. Note: This definition may allow one additional "story" to be exposed in the rear of a building compared to the maximum number of stories visible in the front of a building. For height of signs, see Part 7, "Signs."

Home occupation - a routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the home occupation requirements of §27-403. A light home occupation shall be a home occupation that meets the additional requirements for a light home occupation stated in §27-403. A light home occupation includes, but is not limited to, a "no-impact home occupation" as defined by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* A general home occupation shall be a home occupation that does not meet the requirements for a light home occupation.

Hospital - a use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A separate medical care use (such as an outpatient surgery center) that does not involve any stays overnight shall be considered an "office." A hospital may involve

care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or motel - a building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Impervious coverage - the percentage of the lot area covered by concrete, bituminous asphalt, roofs and similar man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with the impervious coverage limits in this Chapter, any stone surfaces used for motor vehicle parking and movement shall be considered to be impervious. The water surface of a swimming pool shall not be considered impervious.

Industrial district - the LIC Light Industrial-Commercial Zoning District.

Junk - any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: (1) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, (2) toxic wastes, (3) grass clippings, leaves, tree limbs or similar yard waste materials, or (4) items clearly awaiting imminent recycling at an approved recycling facility.

Junk vehicle - includes any vehicle or trailer that meets any of the following conditions:

- (1) Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
- (2) Cannot be towed, in regards to a trailer designed to be towed.
- (3) Has been demolished beyond repair.
- (4) Has been separated from its axles, engine, body or chassis.
- (5) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle. See also the definition of "unregistered vehicle."

Junkyard -

(1) Land or a structure used for the collection, storage, dismantling, processing and/or sale (other than within a completely enclosed building) of material of one or more of the following types:

- (a) "Junk" covering 5,000 or more square feet of land area.
- (b) Three or more "junk vehicles" that are partly or fully visible from

an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the requirements of §27-402 for an auto repair garage or auto service station.

(c) One or more mobile/manufactured homes that are not in a habitable condition.

(2) Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

(3) The term junkyard includes a metal scrap yard or auto salvage yard.

Kennel - the keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Pets" provisions of this Chapter [§27-403]. A kennel may also serve other animals.

Landowner - the owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, diffused - illumination that passes from the source through a translucent cover or shade.

Livestock (and poultry), raising of - the raising and keeping of livestock or poultry beyond what is allowed under the "Keeping of Pets" provisions in §27-403.J. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street. See §27-801 concerning frontage onto a street.

Lot, corner - a lot abutting on two or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

Lot area - the horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area in this Chapter, the following shall be excluded:

(1) Areas within street rights-of-way that will exist at proposed or existing public streets or alleys.

(2) Areas within any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other Sections of this Chapter may specifically permit proposed streets to be included in determining maximum density for a specific use.)

(3) Areas that are currently or will be required to be dedicated as common

open space on a separate lot. (Note: other sections of this Chapter may specifically permit proposed common open spaces to be included in determining maximum density for a specific use.)

Lot lines - the property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development. See also definitions under "Yard."

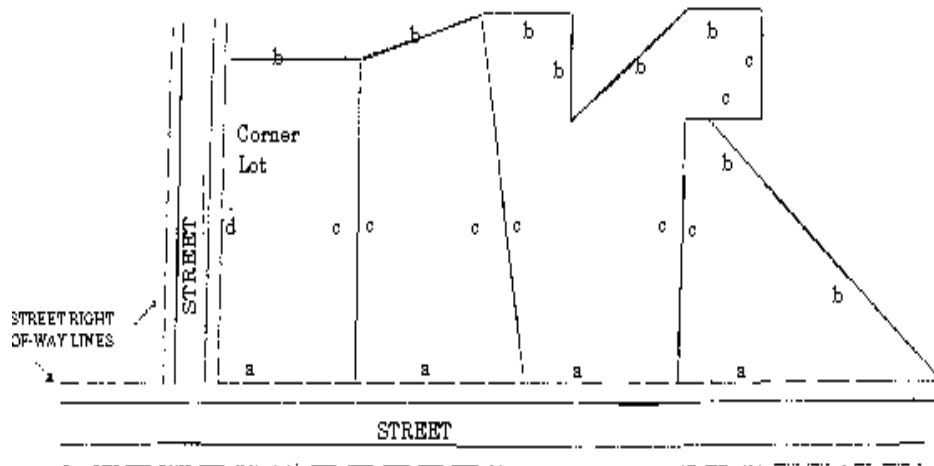
(1) *Front lot line (street line)*. A lot line separating the lot from the street right-of-way. See §27-803.2. concerning corner lots.

(2) *Rear Lot Line*. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line.

(3) *Side Lot Line*. Any lot line other than a front or rear lot line.

Sample Lot Line Configuration - The abbreviation below correspond to:

- a = Front Lot Line
- b = Rear Lot Line
- c = Side Lot Line
- d = Front Lot Line required to meet §27-803.2



Lot width - the horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall.

Massage - the performance of manipulative exercises using hands on a person by another person(s) that is related to monetary compensation, and which does not involve persons who are "related" to each other.

Massage parlor - an establishment that meets all of the following criteria:

(1) Massages are conducted below the waist within private rooms.

(2) The use does not meet the definition of "massage therapy, certified" and the person conducting the massage is not licensed as a health care professional by the State.

(3) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.

(4) The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Massage therapy, certified - a use involving performance of "massages" by a person licensed or certified by the State as a massage therapist or certified by a recognized national or statewide professional organization that requires over 60 hours of professional training. This use shall be considered a type of "personal service."

Membership club - an area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

(1) This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that district and the requirements of that use are met.

(2) See §27-402. See also "after hours club."

Mineral extraction - the removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/manufactured home - see under "dwelling types."

Mobile/manufactured home lot - a space that may be designated mobile/manufactured homes within a mobile/manufactured home park.

Mobile/manufactured home park - a lot under single ownership which includes

spaces for two or more mobile/manufactured homes for residential use. The individual manufactured homes maybe individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile/manufactured home park." See §27-402.

Motor vehicle - an automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code - the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 *et seq.*

Nonconforming lot - a lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Chapter, as amended. See §27-805.

Nonconforming structure - a structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Chapter, as amended, where such structure lawfully existed prior to the enactment of such ordinance or applicable amendment(s). See §27-805.

Nonconforming use - a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this Chapter or applicable amendment(s). A use granted by variance is not a nonconforming use. See §27-805.

Nursing home - a facility licensed by the State for the housing and intermediate or fully skilled nursing care of three or more persons. See §27-402.

Office - a use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Official zoning map - the map as adopted by Borough Council which designates the location and boundaries of zoning districts.

Open space, common - a parcel or parcels of land within a tract which meets all of the following standards:

- (1) Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- (2) Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.
- (3) Will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than "common open space" and noncommercial recreation.
- (4) Does not use any of the following areas to meet minimum open space requirements:
 - (a) Existing street rights-of-way.

- (b) Vehicle streets or driveways providing access to other lots.
- (c) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation).
- (d) Off-street parking (other than that clearly intended for noncommercial recreation).
- (e) Area(s) needed to meet a requirement for an individual lot.
- (f) For land intended to be open to the public, that does not have provisions for entry with a 20-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street.
- (g) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions.
- (h) Portions of land that have a width of less than 25 feet.

Ordinance, this - the North York Borough Zoning Ordinance, including the Official Zoning Map, as amended [this Chapter].

Pennsylvania - the Commonwealth of Pennsylvania.

Parking - off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT - the Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted by right uses - allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of this Chapter. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal care home or center - shall mean "assisted living facility."

Personal service - an establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, keeping of - the keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See §27-403.

Places of worship - buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the

appropriate "dwelling type." See standards in §27-402.

Planning Commission - the Planning Commission of North York Borough, unless otherwise stated.

Principal building - a "principal structure" which is also a "building."

Principal structure - the structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Public notice - notice required by the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (Note: As of the adoption date of this Chapter, for a Zoning Hearing Board hearing or an amendment to this Chapter, such Act required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Borough, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication no less than 7 days from the meeting/hearing date.)

Publicly owned recreation - leisure facilities owned, operated or maintained by governmental entities for use by the general public.

Recreation - the offering of leisure-time activities to unrelated persons. This term shall not include any "adult use." For the purposes of this Chapter, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests. "Publicly owned recreation" is a distinctly different use from "indoor recreation" or "outdoor recreation."

(1) *Indoor Recreation*. A type of "recreation" use that: (a) does not meet the definition of Outdoor Recreation, and (b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by §27-306.

(2) *Outdoor Recreation*. A type of "recreation" use that: (a) has a total building coverage of less than 15 percent, and (b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by §27-306, such as a firearms target range.

Recycling collection center - a use for collection, separation and temporary storage of more than 500 pounds of common materials found in the typical household or office for recycling for some productive reuse. This use shall not involve processing or recycling, other than routine sorting, baling and weighing of materials. This term shall not include the storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use or an emergency services station. This term shall not include processing of solid waste that is not being recycled.

Related or relative - persons who are related by blood, marriage, adoption or

formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "dwelling unit."

Repair service - shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential accessory structure (includes "building") or use - a use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential district - the R-1 and R-2 Zoning Districts.

Residential lot lines - the lot line of a lot that: (1) contains an existing primarily residential use, or (2) is undeveloped and zoned as a residential district.

Restaurant -

(1) An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.

(2) A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is the majority of the total trade, the requirements of a "tavern" as applicable must be met.

(3) See "drive-through service" in this Section.

Retail store - a use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-way - an area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "right-of-way" by itself shall mean the street right-of-way that will exist after completion of a subdivision or development, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

(1) *Street Right-of-Way, Existing or Legal.* The official established street right-of-way that either the Borough or the State presently owns or holds another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Chapter, whether by dedication or otherwise.

Rooming house - see "boarding house."

School, public or private primary or secondary school - an educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term

shall not include "trade schools."

Screening - year-round plant material of substantial height and density designed to provide a butler. See requirements in §27-803.4.

Sectional dwelling - see under "dwelling units."

Self storage development - a building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback - the horizontal distance between a setback line and a property line.

(1) *Setback, Front.* The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

(2) *Setback, Side.* The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

(3) *Setback, Rear.* The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

Setback line - the line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.

(1) Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in §27-803.2.

(2) Unless otherwise stated, setback distances are for both accessory and principal structures.

(3) *Private Streets.* For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

Sight triangle - an area required to be kept free of certain visual obstructions to traffic. See §27-803.

Sign - any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in §§27-711 and 27-703. This shall not include displays that only involve symbols that are clearly and

entirely religious in nature, and which do not include advertising.

Sign area - the square footage of a sign. The method of measuring sign area is provided in §27-711.

Sign, freestanding - a sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

Sign, off-premises - a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This term includes signs that are commonly referred to as "billboards."

Sign, wall - a sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.

Sign, window - a sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single and separate ownership - the ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solid waste transfer facility - land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special exception - a use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Chapter, provided the use complies with the conditions and standards required by this Chapter. See §27-116.

Specified sexual activities - one or more of the following:

- (1) Human male genitals in a visible state of sexual stimulation.
- (2) Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- (3) Fondling or other erotic touching of human genitals. See definition of "adult use."

State - the Commonwealth of Pennsylvania and its agencies.

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

Street - a public or private thoroughfare which provides the principal means of vehicle access to three or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway" and "road" have the same meaning and are used interchangeably. Streets shall be classified as "arterial streets," "collector streets" and "local streets."

Structure - any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Chapter, as applicable, unless specifically exempted or unless a differing setback is established for that particular type of structure by this Chapter.

Subdivision - the definition in the Subdivision and Land Development Ordinance [Chapter 22] shall apply.

Subdivision Ordinance or Subdivision and Land Development Ordinance - the North York Borough Subdivision and Land Development Ordinance, as amended [Chapter 22].

Swimming pool, household or private - a man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See §27-403.

Swimming pool, non-household - a man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern - a place where alcoholic beverages are the majority of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of "restaurant."

Theater - a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire storage - the storage of used tires on a of that are not a ached to vehicles. See "Outdoor Storage" in §27-403.

Townhouse - see "dwelling types."

Trade/hobby school or trade school - a facility, that: (1) is primarily intended for education of a work-related skill or craft or a hobby and (2) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, adult vocational or ceramics school.

Tradesperson - a person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment center - a use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- (1) Criminal rehabilitation, such as a criminal halfway house.
- (2) Current addiction to alcohol or a controlled substance that was used in an illegal manner.
- (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in §27-402.

Unit for care of relative - a dwelling unit that: (1) is especially created for and

limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, (2) is necessary to provide needed care and supervision to such relative, and (3) meets the requirements for such use in §27-403.

Unregistered vehicle - any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker (except for antique vehicles exempted from safety sticker requirements under State regulations). The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

Use - the purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance - the granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of this Chapter. Any variance shall only be granted within the limitations of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* See §27-111.

Wall - see "fence."

Warehouse - a building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

(1) *Front Yard*. The open unoccupied space on the same lot with the building extending the full width of the building projected to the sidelines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

(2) *Rear Yard*. The open unoccupied space on the same lot with the building extending the full width of the dwelling projected to the side lot lines of the lot. The depth of the rear yard shall be measured between the rear line of the building and the rear lot line.

(3) *Side Yard*. The open unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard. Any lot line not a front lot line or a rear lot line shall be deemed a side lot line. See "corner lot" provisions in §27-803.4.

Wetlands - an area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard - the open areas of a lot that are not occupied by a building, except as allowed by §27-803.2.

Zoning Map - the Official Zoning Map of North York Borough, York County, Pennsylvania.

Zoning Officer - the person charged with the duty of enforcing the provisions of this Chapter, and any officially designated assistant.

Zoning Ordinance - the North York Borough Zoning Ordinance, as amended

[this Chapter].
(*Ord. 12/18/2003*, §202)

Part 3**Districts, Permitted Uses and Yard Requirements****§27-301. Designation of Districts and Purposes.**

1. For the purposes of this Chapter, North York Borough is hereby divided into the following zoning districts, with the following abbreviations:

- R1 Low Density Residential District
- R2 Medium Density Residential District
- NC Neighborhood Commercial/Residential District
- MU Mixed Use District
- IC Light Industrial Commercial District

2. For the purposes of this Chapter, the zoning districts named in this Section shall be of the number, size, shape and location shown on the "Official Zoning Map."

3. *Overlay Districts.* The Floodplain Area, as defined by Part 5, shall serve as an overlay district o the applicable underlying districts.

4. *Purposes of Each District.* In addition to the overall purposes and objectives of this Chapter and the Comprehensive Plan, the purposes of each zoning district are summarized below:

A. *R1 - Low Density Residential District.* To provide for low density residential neighborhoods; to protect these areas from incompatible uses; to encourage neighborhood stability.

B. *R2 - Medium Density Residential District.* To provide for medium density residential neighborhoods, with a mix of housing types; to protect these areas from incompatible uses; to encourage "one home on one lot" (which may be attached to another home) in order to promote home ownership and neighborhood stability; and to make sure that infill development is consistent with neighboring development.

C. *NC - Neighborhood Commercial/Residential District.* To promote pedestrian-oriented commercial activities; to promote an appropriate mix of retail, service, office, public, institutional and residential uses; to avoid heavy motor vehicle-related commercial uses that are most likely to conflict with nearby homes and the pedestrian-orientation, and which are most likely to cause demolition of historic buildings; and to primarily provide for smaller scale uses that utilize existing buildings, as opposed to uses that would involve substantial demolition.

D. *MU - Mixed Use District.* To provide for a range of business uses and some institutional and residential uses that would be compatible with the surrounding neighborhood, and that would allow reuse of existing buildings.

E. *LIC - Light Industrial Commercial District.* To provide for a range of light industrial uses; to recognize that there are no appropriate locations within the Borough for the heaviest types of industrial uses,, because of the proximity of homes to all areas of the Borough, the locations of the creek, the importance of preserving historic buildings, the congestion of the street system and the very limited amounts of undeveloped land; and to carefully control the types of

industrial operations to avoid nuisances (such as excessive noise) and hazards.
(Ord. 12/18/2003, §301)

§27-302. Application of District Regulations.

1. The regulations set in this Chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this Chapter.

2. No structure shall hereafter be erected, used constructed reconstructed, structurally altered occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations in this Chapter specified for the use and district in which it is located.

3. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

4. *Boundary Change.* Any territory which may hereafter become part of the Borough through annexation or a boundary adjustment shall be classified as the R1 Zoning District of North York Borough until or unless such territory is otherwise classified by Borough Council

(Ord. 12/18/2003, §302)

§27-303. Zoning Map.

1. A map entitled "North York Borough Zoning Map," is appended to this Chapter and is declared a part of this Chapter. The Official Zoning Map of the Borough with the words "Official Zoning Map" shall be retained in the Borough offices.

2. *Map Changes.* Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

3. *Replacement Map.* If the Official Zoning Map becomes damaged, destroyed lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

(Ord. 12/18/2003, §303)

§27-304. District Boundaries.

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Official Zoning Map.

A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines as they existed at the time of the adoption of this Chapter, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot

lines unless specifically shown otherwise.

C. The location of a district boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

(Ord. 12/18/2003, §304)

§27-305. Setbacks and Buffers Across Municipal Boundaries.

1. *Intent.* To continue the objective of compatible land uses across municipal boundaries.

2. This Chapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within North York Borough regardless of whether such abutting existing dwelling or primarily residential zoning district is located in an abutting municipality and/or in North York

(Ord. 12/18/2003, §305)

§27-306. Table of Permitted Uses by District.

1. For the purposes of this §27-306, the following abbreviations shall have the following meanings:

P = Permitted by right use (zoning decision by Zoning Officer).

SE = Special exception use (zoning decision by Zoning Hearing Board).

C = Conditional use (zoning decision by Borough Council).

N = Not Permitted.

(§27-402) = See Additional Requirements in §27-402.

(§27-403) = See Additional Requirements in §27-403.

2. Unless otherwise provided by law or specifically stated in this Chapter (including §27-105.3.), any land or structure shall only be used or occupied for a use specifically listed in the following §§27-306.2.A and 27-306.2.B as allowed in the zoning district where the land or structure is located. Except as provided in §27-105.2, any use that is not specifically listed as P, C or SE in the applicable district in this Section is prohibited in that district. Any use shall only be permitted if it complies with all other requirements of this Chapter.

This table of uses was prepared to carry out the Manchester Township-North York Borough Joint Comprehensive Plan.

§27-306.2.A addresses primarily residential zoning districts, while §27-306.2.B addresses primarily business zoning districts.

For temporary uses, see §27-103.

See §27-801.2. regarding number of uses and buildings per lot.

USES ALLOWED IN EACH ZONING DISTRICT

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
A. RESIDENTIAL USES					
Single-family Detached Dwelling (Manufactured/mobile homes shall met the additional requirements of §27-402)	P	P	P	P ²	N
Single-family Semi-detached (also known as a side-by-side "twin dwelling unit"), with each new dwelling unit on its own lot	P	P	P	P ²	N
Single-family Attached Dwelling (also known as town-house or rowhouse) (§27-402)	N	P	P	P ²	N
Two-family Dwelling	N	P	P	P ²	N
Apartments (§27-402) (also known as "multi-family dwellings") which may involve conversions of nonresidential building space that existed prior to the adoption of this Chapter into apartments, but which shall not include conversions of an existing one-family dwelling into two or more dwelling units	N	P	P ³	P ⁴	N
Manufactured/Mobile Home Park (§27-402)	N	N	N	N	N
Boarding House (includes Rooming House) (§27-402)	N	N	N	N	SE
Group Home (§27-402) within a lawful existing dwelling unit under the lot standards for a dwelling unit, not including a Treatment Center	P	P	P	P	N
Conversion of an Existing One-family Dwelling to Result in Two or More Dwelling Units (See also "Unit for Care of Relative" under "Accessory Uses")	N	N	N	N	N
B. COMMERCIAL USES					
Adult Use (§27-402)	N	N	N	N	SE
After Hours Club (§27-402)	N	N	N	N	SE

²Such dwellings shall only be allowed in the MU District if they are within a residential subdivision or land development including a minimum tract size of 1 acre. This minimum tract size may be subdivided into smaller lots in conformance with §27-307.

³Apartments shall only be allowed in a building that also includes an allowed principal commercial or institutional use.

⁴Within the MU District, apartments shall only be permitted by right if they are limited by deed and by lease to occupancy by persons age 55 and older and their spouses, and with no resident children under age 18.

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
Amusement Arcade	N	N	P	N	N
Auto Repair Garage or Service Station (§27-402)	N	N	N	N	SE
Auto, Boat or Mobile/Manufactured Home Sales (§27-402) (this use may also include Recreational Vehicle sales)	N	N	N	N	P
Bed and Breakfast Inn (§27-402)	N	SE	P	P	P
Beverage Distributor, which may include retail and/or wholesale sales	N	N	P	P	P
Car Wash (§27-402)	N	N	SE	P	P
Catering, Custom, for off-site consumption	N	N	P	P	P
Commercial Communications Antennae/Tower (§27-402)					
- In compliance with §27-402.1.K(1) Pertaining to accessory antenna on nonresidential structures (such a church steeples)	SE	P	P	P	P
- Adjacent to an existing fire or ambulance company station	N	N	N	P	N
- Other, such as a freestanding tower	N	N	N	N	SE
Conference Center	N	N	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, janitorial, pest control contractor; See also as home occupation). Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of §§27-803 and 27-804 and is limited to a rear yard in the NC District.	N	N	P	P	P
Crafts or Artisan's Studio (see also as home occupation under accessory uses)	N	N	P	P	P
Custom Printing, Photocopying, Faxing Mailing or Courier Service	N	N	P	P	P
Exercise Club	N	N	P	P	P
Financial Institution (§27-402; includes banks), with any "Drive-through" facilities meeting §27- 403	N	N	P	P	P
Flea Market/Auction House	N	N	P	P	P
Funeral Home (§27-402). See Crematorium as a separate use	N	N	P	P	P

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
Gas Station - See "Auto Repair Garage or Auto Service Station"	N	N	P	P	P
Greenhouse, Garden Center or Plant Nursery	N	N	P	P	P
Hobby/Trade School	N	N	P	P	P
Kennel (§27-402)	N	N	N	N	SE
Laundromat	N	N	P	P	P
Laundry, Commercial or Industrial	N	N	N	P	P
Lumber Yard	N	N	N	P	P
Massage Therapy, Certified - See "Personal Services"					
Motel or Hotel (§27-402)	N	N	N	P	P
Office (See also "Home Occupations" under accessory uses)	N	N	P	P	P
Outdoor Storage and Display (§27-402) as a principal use, including tire storage	N	N	N	N	P
Pawn Shop	N	N	N	N	P
Personal Services (includes tailoring custom dress-making, hair cutting/styling, dry-cleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also home occupation)	N	N	P	P	P
Recreation, Indoor (§27-402) (includes bowling alley, roller or ice skating, batting practice and closely similar uses; other than uses listed separately in this Section)	N	N	P	P	P
Recreation, Outdoor (including miniature golf course, golf driving range, amusement park, private picnic groves and closely similar uses; other than uses listed separately in this Section)	N	N	N	P	P
Repair Service, Household Appliance	N	N	P	P	P
Restaurant (§27-402) with drive-through service (§27-403)	N	N	SE	N	P
Restaurant (§27-402) or Banquet Hall, without drive-through service	N	N	P	P	P
Retail Store (other than uses listed separately in this Section)	N	N	P ⁵	P	P

⁵Limited to indoor sales and display, except for clearly customarily accessory activities, such as sidewalks sales. Such use shall not include the sale of gasoline or propane.

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
Self-Storage Development - See under Industrial Uses					
Target Range, Firearms					
- Completely indoor and enclosed	N	N	N	P	P
- Other than above	N	N	N	N	N
Tattoo or Body Piercing Establishment	N	N	N	N	P
Tavern, which may include a State-licensed micro Brewery (not including an After Hours Club). As a condition of special exception approval, the applicant shall prove that the use will not cause a significant nuisance for neighboring dwellings, considering noise and hours of operation.	N	N	N	N	SE
Theater, Indoor, other than an Adult Use	N	N	P	P	P
Veterinarian Office (§27-402) which may include Animal Hospital	N	N	P	P	P
Wholesale Sales - see under Industrial Uses					
C. INDUSTRIAL USES					
Asphalt Plant	N	N	N	N	N
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	P	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	P	P
Distribution as a Principal Use (other than Trucking Company Terminal)	N	N	N	N	P
Electricity Generating Plant (other than Waste-to-Energy)	N	N	N	N	N
Industrial Equipment Sales, Rental and Service (other than Auto, Boat or Mobile Home Sales)	N	N	N	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N
Junkyard	N	N	N	N	N
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station retail propane distributor pre-packaged sales or fuel tanks for company vehicles manufacture and/or bulk processing of the following, provided manufacturing occurs only, indoors:	N	N	N	N	SE

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	P	P
- Ceramics Products (other than Crafts Studio)	N	N	N	P	P
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
- Chemicals, Bulk Manufacture, Bulk Processing Mixing, Recycling or Bulk Storage of	N	N	N	N	SE
- Clay, Brick, Tile and Refractory Products	N	N	N	N	SE
- Computers and Electronic/Microelectronic Products	N	N	N	P	P
- Concrete, Cement, Lime and Gypsum Products	N	N	N	N	SE
- Electrical Equipment, Appliances and Components	N	N	N	P	P
- Explosives or Ammunition	N	N	N	N	N
- Fabricated Metal Products (except Ammunition or Explosives)	N	N	N	N	P
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale (Other than uses listed individually in this Section)	N	N	N	P	P
- Food Products - Meat Packing	N	N	N	N	SE
- Food Products for animals	N	N	N	N	SE
- Gaskets	N	N	N	P	P
- Glass and Glass Products (other than Crafts Studio)	N	N	N	P	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N
- Jewelry and Silverware	N	N	N	P	P
- Leather and Allied Products (other than Crafts Studio under commercial uses or Tannery under industrial uses)	N	N	N	N	P
- Machinery	N	N	N	N	P
- Manufactured or Modular Housing	N	N	N	N	P

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
- Medical Equipment and Supplies	N	N	N	P	P
- Metal Products, Primary	N	N	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	P
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	SE	P
- Paper - Raw Pulp	N	N	N	N	N
- Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
- Pharmaceuticals and Medicines	N	N	N	N	SE
- Plastics, Polymers, Resins, Vinyl, Coatings, Adhesives, Sealants, Printing Ink or Photo Film	N	N	N	N	SE
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	P	P
- Roofing Materials and Asphalt Saturated Materials	N	N	N	N	SE
- Rubber, Natural or Synthetic	N	N	N		P
- Scientific, Electronic and Other Precision Instruments	N	N	N	P	P
- Soaps and Cleaning Compounds	N	N	N	N	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	N	P	P
- Transportation Equipment	N	N	N	N	P
- Wood Products and Furniture (not including raw paper pulp)	N	N	N	P	P
Mineral Extraction (§27-402) and related processing, stockpiling and storage	N	N	N	N	SE
Packaging	N	N	N	P	P
Package Delivery Services Distribution Center	N	N	N	N	P
Petroleum Refining	N	N	N	N	N
Photo Processing, Bulk	N	N	P	P	P
Printing or Bookbinding	N	N	N	P	P

Types of Uses

ZONING DISTRICTS

(See definitions in Part 2)

	R1	R2	NC	MU	LIC
Recycling Collection Center (§27-402), not involving operations of an industrial scale (See also Borough-Owned Use in this table)	N	N	N	SE	SE
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use shall not include a solid waste disposal or transfer facility or a junkyard)	N	N	N	N	SE
Research and Development, Engineering or Testing Facility or Laboratory	N	N	N	P	P
Sawmill/Planing Mill	N	N	N	N	SE
Self-Storage Development (§27-402)	N	N	N	N	P
Slaughterhouse, Stockyard or Tannery	N	N	N	N	N
Solid Waste Landfill, Solid Waste Transfer Facility or Waste to Energy Facility	N	N	N	N	N
Trucking Company Terminal	N	N	N	N	SE
Warehousing or Storage as a principal use	N	N	N	N	P
Warehousing or Storage as an accessory use	N	N	P	P	P
Welding	N	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	N	N	P	P

D. INSTITUTIONAL USES

Cemetery (see Crematorium listed separately)	P	P	P	P	P
College or University, with any residential uses regulated separately under "Residential Uses"	N	N	P	P	P
Community Center, Youth Recreation Center or Library	N	SE	P	P	P
Crematorium	N	N	N	N	SE
Cultural Center or Museum	N	N	P	P	P
Day Care Center, Adult (§27-402)	N	N	P	P	P
Day Care Center, Child (§27-402) (See also as an accessory use in this table and §27-403)	N	N	P	P	P
Hospital or Surgery Center	N	N	P	P	P
Membership Club Meeting and Recreational Facility, but with any "Tavern" or use listed separately in this Section having to meet the requirements for such use and with After Hours Club being prohibited	N	N	P	P	P

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
Nursing Home or Assisted Living Facility/Personal Care Home (§27-402)	N	N	P	P	P
Place of Worship (§27-402)	SE	SE	P	P	P
School, Public or Private, Primary or Secondary (§27-402)	P	P	P	P	P
Treatment Center (§27-402) (including but not limited to a Methadone Treatment Center)	N	N	N	N	SE
E. PUBLIC/SEMI-PUBLIC USES					
Borough-Owned Uses	P	P	P	P	P
Government Facility, other than uses listed separately in this Section	N	SE	SE	SE	P
Emergency Services Station, which may include a supporting social club building or facility	N	N	P	P	P
Public Recreation Park	P	P	P	P	P
Public Utility Facility (See also §27-114), including electric sub-stations, but not including uses listed separately in this Section	N	N	N	SE	P
Swimming Pool, Non-household (§27-402)	SE	SE	P	P	P
U.S. Postal Service Facility, which may include a leased facility	N	N	P	P	P
F. PRIMARILY ACCESSORY USES					
See list of additional permitted uses in subsection .3 such as "Residential Accessory Structure or Use"					
See Additional Requirements in §27-403 for Specific Accessory Uses					
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship with a minimum lot area of 25,000 square feet	P	P	P	P	P
Day Care (§27-403) as accessory to a dwelling:					
- Day care of a maximum of three persons, in addition to "Relatives" of the care giver. Day care of more than three adults shall meet the requirements of "Day Care, Adult" under "Institutional Uses"	P	P	P	P	P
- Group Day Care Home	N	N	P	P	P
- Family Day Care Home	N	SE	P	P	P

Types of Uses (See definitions in Part 2)	ZONING DISTRICTS				
	R1	R2	NC	MU	LIC
Home Occupation, General (§27-403)	SE	SE	P	P	P
Home Occupation, Light (§27-403)	P	P	P	P	P
Outdoor Storage and Display as an Accessory Use (§27-403)	N	N	P	P	P
Telephones (Outdoor Pay) or Vending Machines (§27-403)	N	N	P	P	P
Unit for Care of Relative (§27-403)	SE	SE	SE	N	N

G. MISCELLANEOUS USES

Forestry	P	P	P	P	P
Nature Preserve or Environmental Education Center	P	P	P	P	P
Parking Lot as the Principal Use of a Lot (§27-402)	N	SE	P	P	P
Crop Farming	P	P	P	P	P
Raising of Livestock	N	N	N	N	N
All Uses that will be unable to comply with the performance standards of this Chapter. See The "Environmental Protection" requirements of Part 5.	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)

C = Conditional use (zoning decision by Borough Council)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(§27-402) See Additional Requirements in §27-402

(§27-403) See Additional Requirements in §27-403

3. *Permitted Accessory Uses in All Districts.* An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Chapter. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of §27-403 and all other requirements of this Chapter:

- A. Standard antennae including antennae used by contractors to communicate with their own vehicles.
- B. Fence or wall.
- C. Garage, household.
- D. Garage sale.
- E. Pets, keeping of.
- F. Parking or loading, off-street, only to serve a use that is permitted in that

district.

G. Recreational facilities, limited to use by residents of a development, and their occasional invited guests.

H. Residential accessory structure (see definition in Part 2).

I. Signs, as permitted by Part 7.

J. Swimming pool, household.

K. Such other accessory use structure that the applicant proves to the satisfaction to the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

4. *Permitted Accessory Uses to Business and Institutional Uses.* The following are permitted by right accessory uses only to a lawful principal commercial, industrial or institutional use, provided that all requirements of this Chapter are met:

A. Storage of fuels for on-site use or to fuel company vehicles.

B. The following accessory uses, provided that the use is clearly limited to employees, patients, residents, students and families of employees of the use and their occasional invited guests:

(1) Internal cafeteria without drive-through service.

(2) Day care center.

(3) Recreational facilities.

C. Shelters for persons waiting for buses.

D. Automatic transaction machine (ATM).

E. Storage sheds meeting the requirements of §27-307.1.

(Ord. 12/18/2003, §306)

§27-307. Dimensional Requirements in Each District.

1. The following areas, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by §§27-402 or 27-403 or another section of this Chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in §27-202.

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) (Note A)	Min. Side Yard Setback (each) (ft.) (Note A)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
R1 District:							
a) Single-family detached dwelling	a) 4,000	a) 40	20 (10 feet of which may include an unenclosed front porch)	25	5, except 0 at the shared lot line of lawfully attached dwellings	40%	60%
b) Single-family semi-detached dwelling unit (Half of a Twin)	b) 4,000	b) 40					
c) Other allowed use	c) 12,000 (Note F)	c) 60					
All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).							
R2 District:							
a) Single-family detached dwelling	a) 2,000	a) 25	10 (10 feet of which may include an unenclosed front porch)	25	5, except 0 at the shared lot line of lawfully attached dwellings, and except 15 for a new building including 6 or more apartments.	60%	80%
b) Single-family semi-detached dwelling unit (Half of a Twin)	b) 2,000 per dwelling unit	b) 25 per dwelling unit					
c) Single-family attached dwelling (Townhouse)	c) 2,000 per dwelling unit (Note E)	c) 18 per dwelling unit (Note B)					
d) Apartments	d) minimum of 2,000 per dwelling unit (Note C)	d) 40					
e) Other allowed principal use	e) 8,000 (Note F)	e) 50					

Zoning District: Type of Use

Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Set- back (ft.) (Note A)	Min. Side Yard Setback (each) (ft.) (Note A)	Maximum Percent Building Coverage	Maximum Percent Im- pervious Coverage
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NC District:

- a) Allowed Dwelling Units - shall be developed in conformance with the requirements of the R-2 district and not the NC District.
- b) Apartments in building space that existed prior to the adoption of this Chapter, not including conversions of an existing one family dwelling into two or more dwelling units.
- c) Any other allowed use

b) 2,000
c) 2,000

b) 20
c) 20

b) and c): 5 (5 feet of which may include an un-enclosed front porch)

b)15
c) 15

b) 5
c) 5

b) 70%
c) 70%

b) 90%
c) 90%

Special exception approval shall be required in order for a commercial use to be open to the public between the hours of 12 midnight and 5 a.m. The only standard for such special exception approval shall be that the applicant prove that such operations will be compatible with any adjacent dwellings.

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) (Note A)	Min. Side Yard Setback (each) (ft.) (Note A)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
MU District:							
a) Allowed Dwelling Units, other than Apartments - Shall be developed in conformance with the requirements of the R-2 district and not the MU District. However, see §27-306.2.A, which requires a minimum tract size of 1 acre.	b) 43,560	b) 100	b) and c): 15	b) 30	b) 5 (Note D)	b) 50%	b) 70%
b) Apartments allowed by §27-306.2.	minimum tract	c) 50	(10 feet of	c) 20	(Note D)	c) 70%	c) 90%
c) Any other allowed use	size, which		which may				
Special exception approval shall be required in order for a commercial use to be open to the public between the hours of 12 midnight and 5 a.m. The only standard for such special exception approval shall be that the applicant prove that such operations will be compatible with any adjacent dwellings.	may be divided into lots		include an				
	of 10,000		unenclosed				
	c) 15,000		front porch)				
LIC District:							
Allowed use	10,000	80	15	20 (Note D)	15 (Note D)	60%	90%

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Set- back (ft.) (Note A)	Min. Side Yard Setback (each) (ft.) (Note A)	Maximum Percent Building Coverage	Maximum Percent Im- pervious Coverage
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- Notes:
- See §27-803.2. for corner lot setbacks.
 - See §27-403 for swimming pools.
 - See §27-806 regarding extension of nonconforming setbacks.
 - See §27-803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = See Accessory setbacks in §27-307.3.

(Note B) = Except if two or more off-street parking spaces per dwelling or garage doors for two or more vehicles are located within 20 feet of a public street, then the lot width per dwelling along such street shall be a minimum of 24 feet.

(Note C) = The lot area per dwelling unit may be reduced to 1,500 square feet if a lot includes six or more dwelling units and all the units are permanently restricted by deeds and leases to persons age 62 and older, the physically handicapped and their spouses.

(Note D) = Except a minimum rear yard of 40 feet for a new or expanded principal nonresidential building from a directly abutting primarily residential lot in a residential district. Except a minimum side yard of 20 feet for a new or expanded principal nonresidential building from a directly abutting primarily residential lot in a residential district. If a building involves manufacturing operations, such side and such rear setback shall be increased to a minimum of 60 feet.

(Note E) = The density for single-family attached dwellings (townhouses) shall be based upon to minimum lot area per dwelling unit, which maybe measured as an average for all of the dwellings in a subdivision or land development. For example, if there is a 2,000 square feet minimum average requirement, one dwelling maybe on a 2,100 square feet lot and the second dwelling may be on a 1,900 square feet lot. These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. The minimum average lot area per dwelling unit establishes the maximum number of units permitted s on a tract of land. The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.

(Note F) = Except see §27-402 for certain specific uses, such as Places of Worship

Abbreviations: sq. ft. = square feet; min. = minimum; max.= maximum; ft.= feet

2. *Height.* The following height provisions shall apply unless specifically stated otherwise for a specific use:

A. The maximum height of structures shall be three stories or 40 feet, whichever is more restrictive, except as follows:

(1) Structures that are accessory to dwellings shall have a maximum height of two stories (with the top story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive.

(2) See also §27-802, "Height Exceptions."

3. *Accessory Structure Setbacks.*

A. An accessory structure shall comply with the front yard setback listed in §27-307.1. A 3 feet wide minimum side and rear yard setback shall apply for a permitted detached structure that is accessory to a dwelling, except:

(1) Such setback may be reduced to 2 feet in the R2 district.

(Ord. 12/18/2003, §307)

Part 4**Additional Requirements for Specific Uses****§27-401. Applicability.**

This Part establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Chapter and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply. For uses allowed within a specific zoning district as "special exception" uses, see also the procedures and standards in §27-116.

(Ord. 12/18/2003, §401)

§27-402. Additional Requirements for Specific Principal Uses.

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

A. *Adult Use.* (This is limited to the following: adult bookstore, adult movie theater, massage parlor or adult live entertainment use)

(1) *Purposes.* The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this Chapter.

(a) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the municipality. 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.

(b) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and downtown revitalization.

(c) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.

(2) No portion of a building occupied by an adult use shall be located within any of the following distances: (a) 250 lineal feet of any residential zoning district boundary or any public park, (b) 100 lineal feet of the lot line of any existing; primarily residential use, (c) 500 lineal feet from the lot line of any existing primary or secondary school, place of worship, daycare center or child nursery. A minimum setback required by this subparagraph (2) shall not apply if the adult use would be separated from the residential district, park,

residential use or other such use by an expressway.

(3) No such use shall be located within 1,000 lineal feet of any existing "adult use."

(4) A 50-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with §27-803, but with plantings of an initial minimum height of 6 feet.

(5) 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.

(6) An adult use shall not be used for any purposes that violate any Federal, State or municipal law.

(7) See §27-709, "Prohibited Signs."

(8) The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable court decisions.

(9) Adult uses shall be prohibited in all districts except where specifically permitted by Part 3. A minimum lot area of 10,000 square feet is required.

(10) 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.

(11) No use may include live actual or simulated sex acts nor any sexual contact between entertainers nor between entertainers and customers. This shall specifically prohibit, but not be limited to, entertainers dancing on the laps of customers.

(12) Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.

(13) All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except for entertainers within a permitted lawful "adult live entertainment use."

(14) Any application for such use shall state the names and home addresses of: (a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and (b) an on-site manager responsible to ensure compliance with this Chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

(15) The use shall not operate between the hours of 12 midnight and 7 a.m.

(16) As specific conditions of approval under this Chapter, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, 47 P.S. §1-101 *et seq.*, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.) 18 Pa.C.S.A. §7327, Act 207 of 1990 (which pertains to obscenity) 18 Pa.C.S.A. §5903, and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits enclosed viewing booths among other matters) 68 Pa.C.S.A. §5501 *et seq.* The use shall also comply with the Borough's separate Sexually Oriented Business Ordinance.

2. *Adult Day Care Center*. See "day care, adult."

3. *After Hours Club*. As a condition of any approval under this Chapter, the applicant shall prove full compliance with State Act 219 of 1990, as amended, 18 Pa.C.S.A. §7327.

4. *Assisted Living Facility/Personal Care Home*.

A. See definition in Part 2

B. A minimum of 20 percent of the lot area shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian pathways designed for persons with disabilities.

5. *Auto, Boat or Mobile/Manufactured Home Sales*.

A. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in §27-803.

B. See light and glare standards in §27-507.

C. See parking requirements in Part 6.

D. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

6. *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 bodywork and grinding) and outdoor welding shall not occur within 250 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 Part 5. See buffer yard requirements in §27-803.

C. Outdoor storage of motor vehicles shall not be within any required buffer yard or any portion of the existing street right-of-way.

D. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.

E. Any "junk vehicle" (as defined by Part 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of six junk vehicles maybe parked on a lot outside of an enclosed building at anyone time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.

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 exits.

7. *Auto Service Station*.

A. See definition of this term and "auto repair garage" in Part 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. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.

E. Any "junk vehicle" (as defined by Part 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than six junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.

F. The use may include a retail store if the requirements for such use are also met.

G. See light and glare control in Part 5.

H See canopy height and lighting provisions in §27-507.

8. *Bed and Breakfast Inn.*

A. Within a residential district (where permitted under Part 3), a maximum of five rental units shall be provided and no more than three 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 two 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 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.

G. No guest shall stay for more than 14 days in any month.

H. Within an allowed residential district, this use shall only be allowed if the lot is adjacent to an arterial or collector street and is within a building constructed before January 1, 1940. Within a residential district, no new front yard parking shall be allowed, and a residential appearance shall be maintained.

9. *Boarding House (Includes Rooming House).*

A. Minimum lot area- 20,000 square feet

B. Minimum side yard building setback - 20 feet side

C. Minimum lot width- 100 feet

D. Maximum density- 5,000 square feet of lot area per bedroom; shall serve a maximum total of 10 persons.

E. Each bedroom shall be limited to two adults each.

F. A buffer yard with screening meeting §27-803 shall be provided between any boarding house building and any abutting dwelling.

G. The term "boarding house" shall not include an "assisted living facility," which is a separate use.

H. Signs shall be limited to two wall signs with a maximum of 2 square feet each.

I. Rooms shall be rented for a minimum period of 5 consecutive days.

10. *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 that maybe hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

C. Water from the car wash operation shall not flow onto sidewalks or streets.

D. Any carwash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10 p.m. and 7 a.m.

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

A. An accessory commercial communications antenna that does not involve a new tower shall be allowed 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.
- (e) A water tower.

(2) In a commercial or industrial district the antennae shall extend a maximum of 49 feet beyond and 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 paragraph .A above shall only be allowed where specifically authorized in §27-306, and in compliance with the following additional regulations:

(1) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following distances, whichever is greater:

- (a) A distance from the lot line of a lot occupied by an existing

dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna/tower above the surrounding ground level.

(b) The applicable principal building setback.

(c) A minimum distance off 100 feet plus the total height of the tower above these rounding ground level from a primarily residential building on another lot.

(2) 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.

(3) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the latest published version of the Borough Building Code [Chapter 5].

(4) 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.

(5) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board 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. At an absolute minimum, placement upon existing or approved towers within a 1 mile radius shall be considered, in addition to other reasonable opportunities.

(6) 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 a tower may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.

(7) The Zoning Hearing Board 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.

(8) 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 are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.

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 Chapter:

(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 primarily serves 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.

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 inactive use. Any lease shall require such removal by the owner of the antennal tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.

F. All utility buildings serving a tower shall have a maximum height of 12 feet. Where a utility building is adjacent to a residential lot(s), it shall meet principal building setbacks along those lot lines.

12. *Day Care, Adult.*

- A. Shall be fully, licensed by the State, if required by the State.
- B. Shall include constant supervision during all hours of operation.
- C. Shall not meet the definition of a "treatment center."

13. *Day Care Center, Child.*

A. See also "day care; family day care home or group day care" as an accessory use in §27-403.

B. 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.

C. Convenient parking spaces within the requirements of Part 6 shall be provided for persons delivering and waiting for children.

D. The use shall include secure fencing around outdoor play areas

E. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing dwelling.

F. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.

G. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.

H. See also the standards for a "place of worship," which allows a day care center as an adjunct use.

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

A. See definition in §27-202.

B. A group home shall not include any use meeting the definition of a "treatment center."

C. A group home shall include file housing of a maximum of six unrelated persons, except:

(1) If a more restrictive requirement is established by another Borough code, such as a housing code.

(2) The number of bona fide paid professional staff shall not count

towards such maximum.

(3) As may otherwise be approved by the Zoning Hearing Board under §27-111.4.

D. The applicant shall provide a written statement describing how the facility will have adequate trained staff supervision for the number and type of residents. The Zoning Officer may require 24 hour on-site staffing if necessary for the number and type of residents

E. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer. If such licensing or certification is changed, suspended or revoked, the operator shall provide written notice to the Zoning Officer within 7 days.

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. If there are any changes in such matters, the operator shall provide written notice to the Zoning Officer within 7 days. The Zoning Officer may require a new approval if there are changes in the nature of the group home.

G. Any on-site medical or counseling services shall be limited to a maximum of three non-residents per day. Any on-site staff meetings shall be limited to a maximum of 5 persons at one time.

H. A minimum of one off-street parking space shall be provided per on-site employee, plus one space for every two residents of a type reasonably expected to be able to drive a vehicle. If the residents are not expected to be able to drive, one off street space shall still be provided for visitors.

I. 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.

J. The persons living on-site shall function as a common household unit.

15. *Hotel or Motel.*

A. See definitions in Part 2, which distinguish a hotel/motel from a boarding house.

B. New buildings shall be a minimum of 50 feet from any residential lot line.

16. *Kennel.*

A. Minimum lot area - 1 acre.

B. All buildings in which animals are housed and all runs shall be located at least 200 feet from all residential lot lines.

C. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.

D. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize, dog barking.

E. Structures in which animals are kept shall provide adequate shelter from the elements, including being heated during cold weather.

F. All animal wastes shall be removed and properly disposed of at least once a day.

G. The operator of the kennel shall exercise all necessary control over the animals and shall not allow a nuisance condition to exist in terms of excessive noise, odor or health hazards.

H. The kennel shall be operated in full compliance with the Animal Welfare Act, 3 Pa.C.S.A. §2301 *et seq.* and applicable Pennsylvania kennel regulations. The kennel shall be open to regular inspection by the Zoning Officer and any designated health inspector.

17. *Mineral Extraction.*

A. *Application Requirements.* A copy of all site plan information that will be required by the Pennsylvania DEP shall also be submitted to the Borough as part of the zoning application.

B. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.

C. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future user

D. A 75-foot wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of 6 feet and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.

E. The use shall meet minimum setbacks stated in State regulations.

F. 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.

G. Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.

H. *Fencing.* The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.

I. *Noise and Performance Standards.* See Part 5.

J. *County Conservation District.* A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.

K. *Hours of Operation.* The Zoning Hearing Board, as a condition of special exception 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.

L. The activities and residual effects shall not create conditions that are

significantly hazardous to the health and safety of neighboring residents.

18. *Membership Club; Meeting and Recreational Facility.*

A. See definition in Part 2.

B. Any active outdoor play areas shall be setback at least 30 feet from any abutting residential lot line.

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

A. *Construction.* Any mobile/manufactured home placed on any lot after the adoption of this Chapter 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 any building code 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 wheels removed.

D. *Anchoring.* A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that secures the home to the ground to prevent shifting, over turning or uneven settling of the home, with a secure base for the tie-downs.

E. *Foundation Treatment.* The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. Provisions shall be provided as necessary for access to utility connections.

F. Outside of a manufactured/mobile home park, the front door of a manufactured/mobile home shall face onto a public street.

G. See also the dimensional regulations of §27-307.1 regarding dwelling width in certain districts.

H. The home shall have a main roof with a minimum pitch of 4.5:1.

20. *Nursing Home or Assisted Living Facility/ Personal Care Home.*

A. *Licensing.* See definition in Part 2.

B. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

21. *Outdoor Storage and Display.*

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 percent or within the 100-year floodway.

C. *Screening.* See §27-803.

D. More than 10 used tires shall only be stored on a lot of a tire replacement business, and such tires shall only be stored while awaiting imminent disposal.

22. *Place of Worship.*

A. Minimum lot area - 25,000 square feet in a residential district, §27-307 applies in other districts.

B. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be permitted if all of the requirements for such uses are also met, including being permitted in the applicable district.

C. One dwelling unit may be accessory to a place of worship on the same lot provided it is only used to house a religious leader(s) and/or his/her family.

23. *Recreation, Outdoor.*

A. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary sound insulation shall be provided to protect the neighborhood from any possible noise.

B. A 20-foot wide buffer yard in accordance with §27-803 shall be required.

C. Any swimming pool shall meet the requirements for such use, as stated in this Part.

D. Lighting, noise and glare control, see Part 5.

24. *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-foot wide buffer yard with screening as described in §27-803 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, 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 land filling 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.

25. *Restaurant or Banquet Hall.*

A. Screening of dumpster and waste containers - see §27-806.

B. See "drive-through" service in §27-403.

C. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

26. *School, Public or Private; Primary or Secondary.*

A. Minimum lot area -2 acres if within a residential district, ½ acre in other districts.

B. No building, children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line, unless a more restrictive setback is established by another Section of this Chapter.

C. The use shall not include any residential uses unless all of the requirements for such uses are separately met.

27. *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 vehicle shall be stored within view of a public street or a dwelling.

C. Trash, radio active 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 §27-803 concerning buffer yards. In addition, any garage doors or outdoor storage areas within 200 feet of a street right-of-way shall be screened from that street by a buffer yard meeting §27-803.

H. Minimum separation between buildings - 20 feet, which shall allow passage by emergency vehicles.

28. *Single-family Attached Dwellings and Apartments.*

A. Maximum number of single-family attached dwellings attached in any manner - eight.

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 15 feet from any dwelling.

C. *Garages.* Single-family attached dwellings shall 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 single-family attached dwellings.

D. *Mailboxes.* Any mailbox provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of noncoordinated 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 single-family attached dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.

29. *Swimming Pool, Non-household.*

A. The water surface shall be setback at least 50 feet from any existing dwelling.

B. Minimum lot area- 30,000 square feet.

C. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting §27-803.

D. The water surfaces 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.

30. *Townhouses / Rowhouses.* See "Single-family Attached Dwellings."

31. *Treatment Centers.*

A. See definition in §27-202.

B. The applicant shall provide a written description of all types of persons intended to occupy the use during the life of 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 Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.

D. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

E. If the use involves five or more residents, an on-lot outdoor recreation area shall be provided that is supervised by the center's staff.

F. Any such use shall be set back a minimum of 600 feet front any existing treatment center.

G. A methadone treatment center shall meet the applicable requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

32. *Veterinarian Office (Includes Animal Hospital).*

A. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any residential lot line. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within

any adjacent dwellings.

B. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.

C. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

(Ord. 12/18/2003, §402)

§27-403. Additional Requirements for Accessory Uses.

1. *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 Chapter. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Chapter, such as by §27-306 or the home occupation regulations.

2. *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 Part for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

3. *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 Chapter.

4. *Special Standards.* Each accessory use shall comply with all of the following standards listed for that use:

A. *Antenna, Standard (Includes Amateur Radio Antenna).*

(1) *Height.* No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.

(1) *Anchoring.* An antenna shall be properly anchored to resist high winds.

B. *Bus Shelters.*

(1) A bus shelter shall be allowed in accordance with this Section in order to provide refuge for mass transit riders from adverse weather conditions.

(2) Only the following signs shall be permitted: (a) one two-sided sign with a maximum sign area of 30 square feet (which maybe illuminated) and (b) non-illuminated signs identifying the name of the transit provider, route schedules and maps.

(3) A shelter with illuminated advertising signs shall only be allowed within the NC, MU or LIC Districts. The location of the bus shelter shall be approved in advance by the transit provider. The applicant shall prove to the Zoning Officer that the location will not interfere with pedestrian traffic along the sidewalk and with safe sight distances at intersections. The Borough may also require a written agreement for use of the public right-of-way.

(4) The applicant shall prove to the Zoning Officer that there is a legally binding commitment by a responsible entity to properly maintain the bus shelter and to remove the shelter if it is not needed in the future or if it falls into disrepair.

(5) Such shelters shall be durably constructed, with a roof. For security and safety purposes, the majority of the side walls of the shelter shall be constructed of a clear shatter-resistant material.

(6) Any light bulbs/lighting elements shall not be directly visible from outside of the shelters. The lighting maybe diffused by an allowed sign. Glare shall not be created.

C. *Commercial Communications Antenna.* The provisions under §27-402 shall apply.

D. *Day Care, Child or Adult-as Accessory to a Dwelling, Including Family Day Care Home and Group Day Care Home.*

(1) See §27-306 and the definitions in §27-202 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.

(2) In any case, seven or more persons (other than persons who are "related" to the primary care giver) shall only be cared for at one time within a single-family detached dwelling with a minimum lot area of 12,000 square feet and a 10 feet minimum setback from all existing dwellings on another lot(s). Four to six persons, in addition to persons who are "related" to the primary care giver, shall only be cared for at one time within a single-family detached dwelling. The care of fewer numbers of persons may occur within any lawful dwelling unit.

(3) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.

(4) The use shall be actively operated by a permanent resident of the dwelling.

(5) If four to six children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.

(6) See also "Day Care Center" as a principal use in §27-402, and "Day Care as Accessory to a Place of Worship," in §27-306.2.

(7) 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.

(8) A child day care use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.

E. *Drive-through Facilities.*

(1) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

(2) On-lot traffic circulation shall be clearly marked. The access lane shall have a minimum width of 8 feet.

(3) 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.

(4) The applicant shall prove that the entrances and exits for the drive-through service have been designed to minimize conflicts with pedestrian travel along George Street. To the maximum extent feasible, drive-through service entrances and exits shall use alleys and side streets, as opposed to crossing major pedestrian routes along George Street.

F. *Fences and Walls.*

(1) 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.

(2) No fence, wall or hedge shall obstruct the sight requirements of §27-803.3.

(3) *Fences.*

(a) *Front Yard.* Any fence located in the required front yard of a lot in a residential district or a dwelling in the NC District shall:

1) Be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas.

2) Not exceed 4 feet in height.

3) Be constructed of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), chain link or wrought iron or other material such as vinyl that resembles wood or wrought iron.

(b) On a corner lot, a fence or wall shall meet the same requirements along both streets a would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.

(c) *Height.* The maximum height of a fence in a commercial or industrial district shall be 12 feet, except as provided above in a front yard in the NC District. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except:

1) A maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.

(d) *Setbacks.* No fence shall be built within an existing street right-of-way. A fence of a dwelling may be constructed without a setback from a lot line in a residential district, but a 1 foot or greater setback is recommended to provide for future maintenance of the fence.

(e) *Fence Materials.* Barbed wire shall not be used as part of fences around dwellings. 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 shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels:

(4) *Walls.*

(a) 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.

(b) Walls in the minimum front yard or the side or rear accessory building setback in a residential district shall have a maximum height of 3 feet. This height limit shall not apply to a wall serving as a backing for a permitted sign as permitted in §27-704. 3) Walls that are attached to a building shall be regulated as a part of that building.

G. *Garage Sale.*

(1) See definition in Part 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.

(2) If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 4 days total in any 3 consecutive months.

(3) The use shall be clearly accessory to the principal use.

H. *Home Occupations.*

(1) All home occupations shall meet the following requirements:

(a) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.

(b) The use shall be conducted indoors. 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.

(c) 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.

(d) One off-street parking space shall be required per non-resident employee. In addition, for a general home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.

(e) The use shall not require delivery or pickup by tractor-trailer trucks.

(f) The regulations of §27-403.4.K.(4) 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.

(g) 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.

(h) 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.

(i) Any tutoring or instruction shall be limited to a maximum of three students at a time.

(j) A barber or beauty shop shall not include any non-resident employees.

(k) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.

(l) See home occupation sign requirements §27-703.

(m) The Zoning Hearing Board shall deny a general 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 operations involved and related nuisances, the amount 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.

(n) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.

(o) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a general home occupation, and shall need special exception approval if located outside of a commercial or industrial district. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.

(p) 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 Chapter.

(q) A zoning permit shall be required for any home occupation.

(2) In addition to the requirements listed in subparagraph (1) above, the following additional requirements shall apply to a light home occupation:

(a) The use shall not involve routine daily visits to the home occupation by customers or more than one non-resident employee at a time.

(b) The use shall not involve any signs visible from the exterior of the lot, except as is allowed by §27-703 within a commercial district.

(c) The use shall only involve the following activities:

1) Work routinely conducted within an office.

- 2) Custom sewing and fabric and basket crafts.
 - 3) Cooking and baking for off-site sales and use.
 - 4) Creation of visual arts (such as painting or wood carving).
 - 5) Repairs to and assembly of computers and computer peripherals.
 - 6) A construction trades person, provided that a maximum of one non-residents shall routinely operate from the lot.
- (d) On-site retail sales shall be prohibited.
- I. *Outdoor Storage and Display.* Commercial or industrial as an accessory use.
- (1) *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.
 - (2) No such storage or display shall occur on areas with a slope in excess of 25 percent or within the 100-year floodway.
 - (3) *Screening.* See §27-803.
 - (4) More than ten used tires shall only be stored on a lot of a tire replacement business, and such tires shall only be stored while awaiting imminent disposal.
- J. *Pets, Keeping of.*
- (1) This is a permitted by right accessory use in all districts.
 - (2) 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.
 - (3) A maximum combined total of five dogs and cats shall be permitted to be kept by residents of each dwelling unit.
 - (a) Such limits shall only apply to dogs or cats over 4 months in age.
 - (b) Any greater number of dogs and/or cats shall need approval as a "kennel."
 - (4) The keeping of one or two total pigeons (except as maybe preempted by the State Carrier Pigeon Law, 53 P.S. §3951 *et seq.*), chickens, ducks, geese and/or similar fowl shall be permitted on lot with a minimum lot area of 10,000 square feet.
 - (5) Animals shall only be permitted provided they do not create unsanitary conditions or noxious odors for neighbors.
 - (6) A minimum lot area of 2 acres shall be required for the keeping of a horse or similar sized animal, with 1 additional acre for each additional horse or similar sized animal.
 - (7) 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, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.

(8) It shall be unlawful on a residential property to maintain any "exotic wildlife" as defined by the Pennsylvania Game and Wildlife Code 34 Pa.C.S.A. §101 *et seq*, whether or not an exotic wildlife possession permit has been issued.

K. *Residential Accessory Structure or Use*, (see definition in Part 2).

(1) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in §27-307.1, unless specifically exempted by this Chapter. Accessory structures shall not be located within a front yard, nor within 10 feet of any street right-of-way line (such as on a corner lot).

(2) Accessory buildings in a residential district shall meet the following requirements: (a) Maximum total floor area of all accessory buildings 1,000 square feet. (b) Maximum of two accessory buildings per lot.

(3) Height. See §27-307.2.

(4) *Parking of Trucks and Buses*. The overnight parking of commercial trucks and buses on a primarily residential lot in a residential district is prohibited, except that the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:

(a) The parking of a maximum of two vehicles, each of up to 12,000 pounds aggregate gross vehicle weight.

(5) *Repairs*. No maintenance or repair of either of the following shall occur on a principal residential lot:

(a) Trucks with an aggregate gross vehicle weight of over 12,000 pounds aggregate gross vehicle weight.

(b) Vehicles not owned or leased by a resident of the lot or his/her "relative." See setback exceptions in §27-803.2.

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

(1) *Enclosure Pools*. An new or existing swimming pool shall include a secure fence or other enclosure meeting the requirements of the applicable Building Code [Chapter 5].

(2) *Location*. Any pool deck or shelter that is elevated above the average surrounding ground level and the water surface of any pool shall be setback a minimum of 10 feet from any lot line. Patios around pools that are level with the average surrounding ground level are not required to be setback from lot lines. A pool is not permitted within a required front yard. A pool shall comply with limitations of any water or sewer easement.

(3) *Drainage*. A proper method shall be provided for drainage of the water from the pool that will not flood other property. Such method may be subject to approval of the Zoning Officer.

(4) The Borough does not assume responsibility for guaranteeing to the

public that all new and existing pools fully comply with these provisions.

M. *Telephones or Vending Machines.*

(1) No outdoor pay telephone and no outdoor coin-operated vending machine shall be placed on a public sidewalk in the public right-of-way, except for newspaper/periodical vending machines. A newspaper/periodical vending machine shall only, be permitted on a sidewalk if a 4-foot wide pedestrian path is unobstructed.

(2) No pay telephone and no coin-operated vending machine shall be permitted outdoors as accessory to a dwelling or a vacant lot.

N. *Unit for Care of Relative.*

(1) The use shall meet the definition in §27-202.

(2) The accessory unit shall be occupied by a maximum of two persons, who shall be close "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.

(3) The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. A written plan shall be submitted showing how the separate unit will be changed to no longer be a separate unit. The accessory unit maybe 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 reconverted to a garage or permitted home occupation area.

(4) The applicant shall establish a legally binding mechanism that will prohibit the use of the accessory unit as a separate dwelling unit alter the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.

(5) 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.

(6) Such accessory unit shall not decrease the single-family residential appearance o fa single-family dwelling, as viewed from exterior property lines.

(7) Additional parking for the accessory unit may be waived by the Zoning Hearing Board as part of the special exception approval if the applicant proves that the residents) of the accessory unit will not routinely operate a vehicle.

(Ord. 12/18/2003, §403)

Part 5**Environmental Protection****§27-501. Erosion Control.**

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

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

B. Except for agricultural activities, any earth disturbance of 5,000 square feet or greater of land area shall require the submission of an erosion and sedimentation control plan to the Borough and the County Conservation District and which shall be subject to the Conservation District's approval if the Conservation District provides a review.

C. See, State erosion control regulations (25 Pa.Code, Chapter 102).

(Ord. 12/18/2003, §501)

§27-502. Nuisances and Hazards to Public Safety.

No landowner, 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:

A. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.

B. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.

C. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.

D. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.

E. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

(Ord. 12/18/2003, §502)

§27-503. Wetlands.

The Zoning Officer may require an applicant to prove that a suspect area proposed for alteration does or does not meet the State or Federal definition of a "wetland."

(Ord. 12/18/2003, §503)

§27-504. Flood-Prone Areas ("Floodplains").

The Borough Floodplain Ordinance, as amended [Chapter 8], shall apply.

(Ord. 12/18/2003, §504)

§27-505. Noise.

1. No principal or accessory use, or operations or activities on its lot, shall, generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use District

Land Use or Zoning District Receiving the Noise	Hours/days	Maximum Sound Level
At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	1) 63 dBA
	2) 9 p.m to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day	2) 57 dBA
At Any Other Lot Line	All times and days	70 dBA

Note: dBA means "A" weighted decibel.

2. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

- A. Sound needed to alert people, about an emergency.
- B. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
- C. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
- D. Agricultural activities including permitted raising of livestock, but not exempting a commercial kennel.
- E. Public celebrations specifically authorized by the Borough Council or a County, State or Federal government agency or body.
- F. Unamplified human voices or the sound of animals.
- G. Routine ringing of bells and chimes by a place of worship or municipal clock.
- H. Vehicles operating on a public street, railroads and aircraft.

(Ord. 12/18/2003, §505)

§27-506. 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.

(Ord. 12/18/2003, §506)

§27-507. Control of Light and Glare.

1. This Section shall only regulate exterior lighting that spills across lot lines or onto public streets.

- A. *Street Lighting Exempted.* This Section shall not apply to street lighting

that is owned, financed or maintained by the Borough or the State, nor to an individual porch light of a dwelling.

B. *Height of Lights.* No luminary, spotlight or other light source that is within 100 feet of a lot line of an existing dwelling; or approved residential lot shall be placed at a height exceeding 20 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.

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.

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.

E. *Flickering.* Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25 and January 10.

F. *Spillover.* Exterior lighting, on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal foot-candle at a distance 10 feet inside the residential lot line.

G. *Gasoline Sales Canopies.* All light fixtures under the canopy shall be 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.

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

(Ord. 12/18/2003, §507)

Part 6

Off-Street Parking and Loading

§27-601. Required Number of Parking Spaces.

1. *Overall Requirements.*

A. *Number of Spaces.* Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 27-1 and the regulations of this Part.

B. *Uses Not Listed.* Uses not specifically listed in Table 27-1 shall comply with the requirements for the most similar use listed in Table 27-1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.

C. *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.

D. *Parking Landscaping.* See §§27-803 and 27-804 of this Part.

TABLE 27-1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH:
A. RESIDENTIAL USES:		
1. Dwelling Unit, other than types listed separately in this table.	2. Per dwelling unit if desired, one space may be in a garage and one space in a driveway.	
2. Home Occupation	See §27-402	
3. Housing Permanently Restricted to Persons 62 Years and Older, the Physically Handicapped and their spouses	1 per dwelling/rental unit, except 0.5 per dwelling/rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be 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	See §27-402	
B. INSTITUTIONAL USES:		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity	Employee
2. Hospital	1 per 3 beds	1.2 Employees
3. Nursing Home	1 per 5 beds	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH:	
4. Assisted Living Facility/Personal Care Center	1 per 4 beds	1.2 Employees	
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.2 Employees	
6. School, Primary or Secondary	1 per 4 students aged 16 or older	Employee	
7. Utility Facility	1 per vehicle routinely needed to service facility		
8. College, University or Trade School	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	Employee	
9. Library, Community Center, 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)	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	Employees	
C. COMMERCIAL USES:	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 Part.		
1. Auto Service Station or Repair Garage		Employee; plus any parking needed for a convenience store under "retail sales"	
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales		per 15 vehicles, boats, RVs or homes displayed	1 Employee
3. Bed and Breakfast Use		1 per rental unit plus the 2 per dwelling unit	Non-resident employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH:
4. Bowling Alley	2 per lane plus 2 per pool table	1.2 Employees
5. Car Wash	Adequate waiting and drying areas	1.2 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.2 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	1.2 Employees
9. Hair cutting/Hairstyling	1 per customer seat used for hair cutting, hair styling, manicuring or similar work	1.2 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician or physician's assistant or 3 per dentist or chiropractor	1.2 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than hair cutting/hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.2 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 general)	1.2 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats	1.2 Employees
18. Retail Sales (other than Types separately listed)	1 per 200 sq. ft. of floor area of rooms accessible to customers	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH:
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq. ft. of floor area of rooms accessible to customers	
20. Tavern	1 per 30 sq. ft. of total floor area	1.2 Employees
21. 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 p.m.	1.2 Employees
22. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employees
23. Veterinarian Office	4 per veterinarian	1.2 Employees
D. INDUSTRIAL USES:	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 Part.	
All industrial uses (including warehousing, distribution and manufacturing)	1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times	
Self-Storage Development	1 per 25 storage units, plus spaces for any outdoor storage of vehicles	1.2 Employees

(Ord. 12/18/2003, §601)

§27-602. General Regulations for Off-Street Parking.

1. *General.* Parking spaces, aisles and driveways 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.

2. *Existing Parking.* Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Part shall not in the future be reduced in number below the number required by this Part.

3. *Change in Use or Expansion.* A structure or use in existence at the effective date of this Part that expands or results in a change of 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:

A. If an existing lawful use includes less parking than would be required, and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking, then that deficit of parking shall be grandfathered for new uses. For example, if an existing store included three parking spaces and was required to provide seven spaces, there is a deficit of four spaces. Therefore, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of six spaces (10 minus the pre-existing deficit of four).

B. If a use expands by an aggregate total maximum of 10 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Part, and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 300 square feet was proposed, then additional parking would not be required.

4. *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 Part. 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.

5. *Location of Parking.*

A. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless special exception approval is granted. The only standard that must be met to obtain the special exception approval is for the applicant to prove 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 200 feet walking distance from the entrance of the principal use being served. This distance may be increased to 300 feet for employee parking. A written and signed lease shall be provided.

(1) 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.

6. *Flexibility in Parking.* As a special exception, an applicant may prove to the satisfaction of the Zoning Hearing Board that the minimum amount of off-street parking should be modified for a specific application because of one or more of the following characteristics:

A. The applicant proves that parking will be shared with another use that will reduce the total amount of parking needed because the uses have different peak times of parking need, and that there is a legally guaranteed method to make sure that the parking will continue to be available during all of the years that the use is in operation.

B. The applicant proves that the parking demand for a particular use is

unusually low because of some unusual and peculiar characteristic of the use.
 (Ord. 12/18/2003, §602)

§27-603. Design Standards for Off-Street Parking.

1. *General Requirements.*

A. *Backing Onto a Street.* No parking area shall be designed to require or encourage vehicles to back into a public street in order to leave a parking space, except for a single-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.

B. 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, except for spaces serving a single-family, twin or townhouse dwelling.

C. Parking areas shall not be within a required buffer yard or street right-of-way.

D. *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.

E. *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.

2. *Size and Marking of Parking Spaces.*

A. Each parking space shall be a rectangle -with a minimum width of 9.5 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.

B. For handicapped spaces, see §27-603.6. below.

C. All spaces shall be marked to indicate their location, except those of a single-family dwelling.

3. *Aisles.*

A. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

B. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

4. *Driveways.*

A. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	1-Way Use	2-Way Use
Minimum	12 feet*	25 feet*
Maximum	20 feet*	30 feet*

*Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

B. *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.

5. *Paving, Grading and Drainage.*

A. 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.

B. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete or paving block, unless another material is pre-approved by the Borough.

6. *Lighting of Parking Areas.* See "Light and Glare Control" in Part 5.

7. *Handicapped Parking.*

A. *Number of Spaces.* Any lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./PERCENT OF HANDICAPPED PARKING SPACES
1,001 or more	20 plus 1% of required number of spaces over 1,000

B. *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.

C. *Minimum Size.* Each required handicapped parking space shall be 8 feet by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two spaces.

(Ord. 12/18/2003, §603)

Part 7**Signs****§27-701. Applicability.**

1. *Purposes.* This Part 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; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

2. *Permit Required.* A zoning permit shall be required for all signs except for: (A) signs meeting the requirements of §27-703 and (B) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Part within the applicable district shall be allowed.

3. *Changes on Signs.* Any lawfully existing sign (including nonconforming signs) maybe painted or repaired or changed in logo or message without a new permit under this Part provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this Part.

(Ord. 12/18/2003, §701)

§27-702. Nonconforming Signs.

1. Signs legally existing at the time of enactment of this Part and which do not conform to the requirements of this Chapter shall be considered nonconforming signs. A nonconforming sign shall not be expanded or extended in any manner that would make it more nonconforming.

2. After a permit has been issued, an existing lawful nonconforming sign maybe replaced with anew sign, provided the new sign is not more nonconforming in any manner than the previous sign.

(Ord. 12/18/2003, §702)

§27-703. Miscellaneous Signs Not Required 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 Part.

See footnotes at the end of the table.

Type and Definition of Signs Not Requiring Permits	Max. No. Of Signs per Lot	Max. Sign Area per Sign* on a Lot, other than a "Nonresidential Lot" (Sq. Ft.)	Max. Sign Area per Sign* on a Nonresidential Lot** (Sq. Ft.)	Other Requirements
Christmas Tree Sign - Advertises the seasonal sale of Christmas trees.	2	8	30	Shall only be posted during seasons when such products are actively offered for sale
Charitable Event Sign - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	1 per company working on the site	8	40	Shall only be permitted while such work is actively and clearly underway and a maximum of ten days afterward. Such signs shall not be place on the lot for more than one year. Shall not be illuminated.
Directional Sign - 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.	Non Maximum	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.
Flag - a banner or pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind and that includes some type of commercial message.	2	20	50	Governmental flags and flags without an advertising message are not regulated by this Part.
Garage Sale Sign - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a maximum of 48 hours before permitted garage sale or auction begins, and be removed maximum of 24 hours after event ends.

Type and Definition of Signs Not Requiring Permits	Max. No. Of Signs per Lot	Max. Sign Area per Sign* on a Lot, other than a "Nonresidential Lot" (Sq. Ft.)	Max. Sign Area per Sign* on a Nonresidential Lot** (Sq. Ft.)	Other Requirements
Home Occupation Sign - advertises a permitted home occupation.	1	2	8	Shall not be illuminated if within a residential district. Shall be setback a minimum of ten feet from the street right-of-way, unless printed on a mailbox. May be free-standing, attached flat on a building wall or within a window. Maximum total height of eight feet.
Identification Sign- 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, except two for a principal non-residential use	6	Maximum height of eight feet.
Open House Sign- advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed maximum of five days before open house begins, and be removed max. of twenty-four hrs. after open house ends. Such sign shall not be posted more than ve consecutive days.

Type and Definition of Signs Not Requiring Permits	Max. No. Of Signs per Lot	Max. Sign Area per Sign* on a Lot, other than a "Nonresidential Lot" (Sq. Ft.)	Max. Sign Area per Sign* on a Nonresidential Lot** (Sq. Ft.)	Other Requirements
Political Sign- advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern.	No maximum	6 per sign	Maximum total of 60	Shall be placed a maximum of 60 days prior to any election or scheduled vote or referendum to which the sign may relate, and removed a maximum of seven days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. 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."
Public Services Sign- advertises the availability of restrooms, telephone or other similar public convenience.	No maximum	2	2	
Real Estate Sign- 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 maximum of seven days after settlement or start of lease.
Service Organization/Place of Worship Sign - 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	2	2	Maximum of two 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 a Lot, other than a "Nonresidential Lot" (Sq. Ft.)	Max. Sign Area per Sign* on a Nonresidential Lot** (Sq. Ft.)	Other Requirements
Special Sale Signs - temporary banners, flags and other signs that advertise a special sales event or grand opening 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. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a maximum of seven consecutive days per event, and a maximum of five events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
Time and Temperature Sign- with a sole purpose to announce the current time and temperature any non-profit public service messages.	1	Not permitted	30	
Trespassing Sign- 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 Maximum	2	4	

Abbreviations: "max." = maximum; "min." = minimum; "hrs."=hours.

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

** A "Nonresidential Lot" shall be considered a lot occupied by a principal commercial, industrial or institutional use."

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

(1) *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.

(2) *Holiday Decorations*. Commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.

(3) *Not Readable Sign*. Not readable from any public street or any exterior lot line.

(4) *Official Sign*. Erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance or resolution, and which exists for public purposes.

(5) *Required Sign*. Only includes information required to be posted outdoors by a government agency or the Borough.

(6) *Right-of-Way Sign*. Posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

(Ord. 12/18/2003, §703)

§27-704. Freestanding, Wall and Window Signs.

1. The following signs are permitted within the specified zoning districts, in compliance within the following regulations. In addition, "Exempt Signs" and "Temporary Signs" are permitted in all districts by other provisions of this Part. See definitions of the types of signs in §27-711.

ZONING DISTRICT OR TYPE OF USE	MAXIMUM TOTAL HEIGHT OF FREE-STANDING SIGNS	MAXIMUM AREA OF WALL SIGNS	MAXIMUM AREA OF WINDOW SIGNS	MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS****
<p>Residential Districts, with these signs limited to allowed principal nonresidential uses, such as places of worship.</p>	8 feet	20 square feet on each side of a principal building.	May be used in place of a wall sign with the same restrictions.	One sign on each street the lot abuts, each with a maximum sign area of 20 sq. ft. **
<p>Other types of signs are addressed in Section 703, including home occupation signs.</p>				
<p>New signs in these districts shall not be internally illuminated.</p>				
<p>NC District. *</p>	15 feet	10% of the vertical area of the building side on which the signs are attached, up to a maximum total of 150 square feet. *	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	One sign per street that the lot abuts, each with a maximum area of 20 sq. ft.**
<p>LIC and MU Districts, except that residential development shall only be able to have the signs allowed by Section 703.</p>	15 feet	15% of the vertical area of the building side on which the signs are attached, up to a maximum total of 150 square feet.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	One sign per street that the lot abuts, each with a maximum area of 30 sq. ft. **, ***

* In the NC District, the following additional signs shall be allowed:

- (1) A maximum of one projecting sign shall be permitted per lot, provided:
 - (a) Such sign has a minimum clearance over the sidewalk of 9 feet (unless a differing standard is established by the Building Code [Chapter 5]).
 - (b) Is constructed entirely from wood or materials with wood, in addition to any metal fasteners,
 - (c) Has a maximum sign area on each of two sides of 8 square feet.
 - (d) Is securely attached to the building.
- (2) A maximum of one sidewalk sign (or "sandwich board sign") shall be permitted per lot, provided:
 - (a) Such sign has a maximum sign area of 8 square feet on each width of 3 feet, and has a maximum height of 4 feet.
 - (b) Such sign is taken indoors during all hours when the business is not open to the public.
 - (c) Such sign is not in a location that would interfere with pedestrian traffic, emergency access or parking spaces and maintains a 4 feet wide minimum clear path for pedestrians, and is kept as close to the building as is feasible.
 - (d) Such sign is attractive, well-maintained and durably constructed primarily of wood or materials with an appearance similar to wood.

** If the permitted freestanding sign area is not used, such sign may be added to the permitted wall sign area.

*** If a lot includes three or more distinct commercial or industrial establishments, then along one street, one or two freestanding signs shall be permitted with a maximum total freestanding sign area of 100 square feet.

**** See setbacks for freestanding signs in §27-706.a.

2. *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.

3. *Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.*

A. *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 Part.

B. *Definition of a "Portable Sign."* A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.

C. Portable signs are prohibited in all districts, except as a temporary charitable event or temporary special sale sign as permitted by §27-703.

4. *Signs on 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 Part and with the wall itself not counting towards the maximum sign area.

(Ord. 12/18/2003, §704)

§27-705. 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.

(Ord. 12/18/2003, §705)

§27-706. Location of Signs.

The following shall regulate the location of signs:

A. *Setbacks.*

(1) A sign shall not project over any existing street right-of-way, except for permitted "projecting signs" within the NC District as regulated by §27-704.1. under footnote "*".

(2) Unless specifically stated otherwise, a sign is not required to be setback from a lot line or street right-of-way.

(3) These setbacks shall not apply to official signs, nameplate signs, public service signs and directional signs.

B. *Sight Clearance.* No sign shall be so located that it interferes with the sight clearance requirements of §27-803.3.

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.

D. *Permission of Owner.* No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received from the owner.

E. *Utility Poles.* No sign shall be attached to a utility pole using metal

fasteners, except by a utility or government agency.

(Ord. 12/18/2003, §706)

§27-707. Illumination of Signs.

See "Light and Glare Control," Part 5, and provisions in §27-704.1 within residential districts.

(Ord. 12/18/2003, §707)

§27-708. Vehicles Functioning as Signs.

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

(Ord. 12/18/2003, §708)

§27-709. Prohibited Signs.

The following signs are prohibited in all zoning districts:

A. Any moving object used to attract attention to a commercial use. Flags and banners except as is permitted by §27-703 and except for flags or banners meeting the requirements for a particular type of sign.

B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs may flash. 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 §27-703.

C. Signs which emit smoke, visible vapors or particles, sound or odor.

D. Signs which contain information that states or implies that a lot maybe used for any purpose not permitted under the applicable provisions of this Part.

E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic 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").

F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic.

G. Balloons of greater than 25 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.

H. Floodlights and outdoor lasers for advertising purposes.

(Ord. 12/18/2003, §709)

§27-710. 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 properly 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.

(Ord. 12/18/2003, §710)

§27-711. Measurement and Major Types of Signs.

1. *Sign Definitions.* The following definitions shall be used in determining whether signs meet measurement and type requirements of this Part:

A. *Building Face.* The vertical area of a particular side of a building, but not including the area of any slanted roof.

B. *Freestanding Sign.* See Part 2.

C. *Illuminated Sign, Internally.* A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.

D. *Off-Premises Sign.* See Part 2.

E. *Sign.* See Part 2.

F. *Wall Sign.* See Part 2.

G. *Window Sign.* See Part 2.

2. *Measurement of Sign Area.*

A. 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.

B. The sign area shall not include any structurally supporting framework, bracing, or supports if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.

C. 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.

D. The maximum sign area shall be for each of two sides of a sign, provided that only one side of a sign, is readable from any location.

E. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

3. *Measurement of Sign Height.* The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Part when attached to a tower or spire of a place of worship.

(Ord. 12/18/2003, §711)

§27-712. Off-Premises Signs (Including Billboards).

1. *Purposes.* Off-premises signs are controlled by this Part for the following purposes, to ensure that a physical environment is maintained that is attractive to desirable types of development 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-premises signs, on-premises signs and temporary signs and printed and electronic media carry out the purposes listed in §27-701.

2. *Nonconforming Off-Premises Signs.* This Section is not intended to require the removal of an existing lawfully-placed off-premises sign that is in structurally sound condition.

3. *PennDOT Sign.* Signs erected and maintained by PennDOT are permitted by right in all districts.

4. *Permitted Off-premises Signs.* Except for signs allowed by §27-703, an off-premises sign is only permitted if it meets the following requirements:

A. *District.* An off-premises sign is only permitted in the LIC District.

B. *Location.* An off-premises sign shall be setback a minimum of 25 feet from all of lines and street rights-of-way.

C. *Maximum Sign Area.* 300 square feet.

D. *Spacing.* Any off-premises sign shall be separated by a minimum of 300 feet from any other off-premises sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premises sign.

E. *Maximum Height.* 35 feet above the elevation of the adjacent street, measured at the street centerline.

F. *Attached.* No off-premises sign or sign face shall be attached in any way to any other off-premises sign, except that a sign may have two sign faces of 300 square feet each if they are placed approximately back-to-back.

G. *Control of Lighting and Glare.* See standards in §27-507.

H. *Residences.* No off-premises sign greater than 30 square feet in sign area shall be located within 200 feet of an existing dwelling.

I. *Condition.* The sign shall be maintained in a good and safe condition. The area around the sign shall be kept free of debris.

(Ord. 12/18/2003, §712)

Part 8**General Regulations****§27-801. Frontage Required onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings.****1. Frontage Required onto Improved Street.**

A. Each proposed new lot, principal nonresidential building and apartment building shall directly abuts one of the following: (1) a public street, not including an "alley," (2) a street proposed to be dedicated to the Borough by the subdivision plan which created such lot, or (3) a private street which meets all of the requirements of a public street.

B. In the case of townhouses or apartments, each dwelling unit may be served with vehicle access onto a private parking court which then has access onto a street meeting Borough standards.

2. Number of Principal Uses and Principal Buildings Per Lot.

A. 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 every requirement is 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.

(1) For example, if Use One requires a 1 acre lot area and Use Two on the same lot requires a 2 acre lot area, then the lot shall have a minimum lot area of 2 acres.

(2) The applicant shall submit a site plan that demonstrates that each structures would meet the requirements of this Part.

(3) The lot may include a condominium form of ownership of individual buildings, with a legally binding property-owners association, 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.

B. A lot within a residential district shall not include more than one principal use and shall include more than one principal building unless specifically permitted by this Part.

(1) A manufactured/mobile home park, condominium residential development, apartment development, traditional neighborhood development or retirement community may include more than one principal building per lot, provided all other requirements of this Part are met.

(2) 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.

3. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, and which shall be

primarily above the ground level. This minimum floor area shall be increased to 800 square feet if there are three or more bedrooms.

(Ord. 12/18/2003, §801)

§27-802. Height Exceptions.

The maximum structure height specified for each district shall not apply to antenna that meet the requirements of this Part, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, mechanical equipment 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 §27-202.

(Ord. 12/18/2003, §802)

§27-803. Special Lot and Yard Requirements, Sight Distance and Buffer Yards.

1. In General.

A. 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 Part. This includes, but is not limited to, setback areas, non-impervious areas and off-street parking areas.

B. *Emergency Access.* All principal buildings shall have adequate provisions for emergency vehicles and fire ladders in order to reach all sides of a building.

2. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

A. *Corner Lots.* For a corner lot, the yard depth abutting each public street shall be equal to the minimum depth of the front yard, unless a larger width is provided for a side yard.

B. Protections Into Required Yards.

(1) Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, ground-mounted 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.

(2) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area. Stoops, fire escapes and handicapped ramps serving an existing building may extend into a street right-of-way where necessary, if granted written approval by the Zoning Officer.

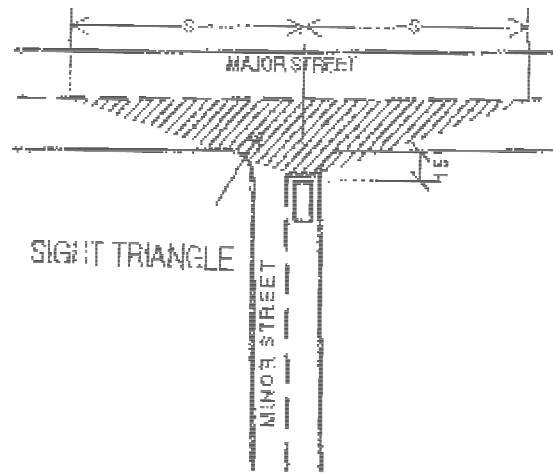
(3) See also exceptions for decks and accessory buildings in the notes of §27-307.1.

C. *Front Yard Setback Exception.* In any district within a block containing a lot proposed for construction or expansion of a building, where 50 percent or more of the improved lots on such block frontage currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall

establish the minimum front yard depth for the remainder of the frontage.

3. *Sight Clearance at Intersections.*

A. Where two streets intersect, a clear sight triangle shall be established with two legs of a triangle starting at a point 15 feet back from the edge of the cartway along the centerline of the intersecting street, and a second longer leg of the triangle measured 250 feet along each side of the intersection of the street centerlines. This longer leg shall be connected by two shorter legs to the initial point 15 feet back from the edge of cartway. This is illustrated on the sketch to the right, with "s" being a length of 250 feet.



B. In §27-202, see the definition of "alley," which is distinguished from a "street."

C. Where a street intersects with an alley, a clear sight triangle shall be established with one leg of the triangle 15 feet long along the edge of the right-of-way of the street and one leg of the triangle 10 feet long along the centerline of the alley, with the two legs connected by a third longer leg.

D. Where two alleys intersection, a clear sight triangle shall be established with each leg of the triangle 10 feet long along the centerline of each alley, and with the two legs connected by a third longer leg. Within these clear sight triangles, no new sight obstruction shall be allowed that obstructs the views of motorists of oncoming vehicle and pedestrian traffic at a height between 3 and 8 feet in elevation. To the maximum extent feasible, this clear sight triangle shall also be cleared of existing obstructions, such as by trimming vegetation.

4. *Buffer Yards.* Buffer yards and screening complying with the following standards shall be required under the following situations. These buffer yard standards shall supersede the buffer planting requirements of the Subdivision and Land Development Ordinance [Chapter 22].

A. *Buffer Yard Width, When Required.* Buffer yards shall have a minimum width of 10 feet in the NC District and 20 feet in any other district, unless a larger

width is required by another provision of this Part. Buffer yards shall be required in the following situations, and where otherwise required by this Chapter:

Buffer Yard to be Provided by the Following:	When the Use Providing the Screening and Buffer Is:
<ul style="list-style-type: none"> (1) Along side and rear lot lines of any new: <ul style="list-style-type: none"> (a) principal commercial or industrial use, (b) area of 10 or more new off-street parking spaces, (c) an outdoor industrial storage area, or (d) an area routinely used for the overnight parking of two or more tractor-trailers trucks. (2) Along the street right-of-way line or a lot line of any new: <ul style="list-style-type: none"> (a) outdoor industrial storage area, or (b) area routinely used for the overnight parking of two or more tractor-trailer trucks. 	<p>Abutting or across an alley from an existing dwelling within a residential district, and visible from such dwelling.</p> <p>Abutting and visible from a public street.</p>

B. Location of Buffer Yard.

(1) The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.

(2) Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the Borough to be placed within a street right-of-way.

(3) The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

C. Characteristics of Buffer Yards.

(1) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial, industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. Buffer yards shall primarily include evergreen plants, in addition to any required shade trees.

(2) As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.

D. Plant Screen.

(1) Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.

(2) 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 3 feet. An initial height of 2 feet may be used where a parking area is intended to be visible from a street for security purposes. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly. Where street trees are approved and provided in the right-of-way, or healthy existing trees will be preserved, those trees may serve in place of this shade tree requirement.

(b) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 5 years a mostly solid year-round visual screen at least 6 feet in height.

(c) The plant screen shall be placed so or sidewalk.

(d) The plant visual screen shall be interrupted only at: (a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, (2) locations necessary to comply with safe sight distance requirements, and (3) locations needed to meet other specific State, Borough and utility requirements.

(e) American arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

(f) Where space allows, evergreen trees should be planted at diagonal off sets so that there is room for future growth of the trees.

E. *Parking Lot Screening.* If six or more new off-street parking spaces are provided within 30 feet from the right-of-way of North George Street in the NC District, a 6 foot wide planting area shall be provided between the parking and the street right-of-way. To provide security and oversight of the parking area from a street, species of plants should be used that can be trimmed to a height of less than 4 feet. This provision shall not apply if a more intense buffer is required under §27-803.4.A above (such as for truck parking).

F. *Buffer Yard Plans.* See §27-804.5.

F. *Fences.* Any fence in a buffer yard shall be placed on the inside of any required plant screening. As a condition of any variance or special exception approval, the Zoning Hearing Board may require the installation of a fence in addition to a buffer yard. As a condition of any land development approval, Borough Council may require the installation of a fence in addition, to a buffer yard.

(Ord. 12/18/2003, §803)

§27-804. Landscaping.

1. 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 debris, rubbish and noxious weeds.

2. See also the buffer yard provisions in §27-803.

3. Parking Area Trees.

A. One deciduous tree shall be required for every 10 new off-street parking spaces.

B. If a lot will include 20 or more new parking spaces, landscaped areas shall be provided within the parking area. Otherwise, the trees may be planted around the parking area.

C. Trees required by this Section shall meet the following standards:

(1) *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 the, Zoning Officer or his designee that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

(2) *Quality of Trees.* Required trees shall be of symmetrical growth and free of insect pests and disease.

(3) *Minimum Size.* The trunk diameter (measured at a height of 6 inches above the level) shall be a minimum of 2 inches or greater.

(4) *Planting and Maintenance.* Required trees shall be:

(a) Planted with adequate unpaved surface around each for water and air.

(b) Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.

Types of Deciduous Trees Permitted to Meet Ordinance Requirements

Acer rubrum - American Red Maple

Acer saccharum - Sugar Maple

Celtis occidentalis - Common Hackberry

Fagus sylvatica - European Beech

Fraxinus americana - White Ash

Fraxinus pennsylvanica - Green Ash

Ginkgo biloba fastigiata - Maiden Hair Tree

(male only; female has noxious odor)

Gleditsia triacanthos - Thornless Locust

Liriodendron tulipifera - Tulip Poplar

Quercus alba - White Oak

Quercus acutissima - Sawtooth Oak

Quercus borealis - Red Oak

Quercus coccinea - Scarlet Oak

Quercus macrocarpa - Bur Oak
 Quercus imbricaria - Shingle Oak
 Quercus montana - Chestnut Oak
 Quercus velutina - Black Oak
 Quercus phellos - Willow Oak
 Sophora japonica - Chinese Scholar Tree
 Tilia americana - American Linden
 Tilia cordata - Little Leaf European Linden
 Tilia euchlora - Crimean Linden
 Tilia petiolaris - Silver Linden
 Zelkova serrata - Zelkova

D. *Street Trees.* As part of the construction of any new street or any new principal nonresidential building or any new apartment building, street trees shall be required to be planted. An average of one street tree shall be planted for every 50 feet of street length. The street trees do not need to be planted at specific intervals, but may be moved to fit with utilities, driveways and other features. The street trees shall meet §27-804.3.

(1) The trees shall be in locations approved by the Zoning Officer. These locations may or may not be within the street right-of-way, depending upon the circumstances of the site. If the trees are not located in the right-of-way, they shall be placed within the yard immediately adjacent to the right-of-way.

(2) New street trees shall not be required where existing healthy street trees will be preserved and will serve the same purpose.

E. *Landscaping Maintenance.* All shade tree, buffer yard and other landscaping required by this Part 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 as soon as is practical considering growing seasons, within a maximum of 150 days.

F. *Review.* Where landscaping is required by this Part, the applicant shall submit a site plan showing proposed initial sizes, locations and species of plantings and locations of any fencing in sufficient detail to determine compliance with this Section. Such landscaping plan should be provided to the Zoning Officer for approval.

(Ord. 12/18/2003, §804)

§27-805. Nonconformities.

1. *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.

2. *Continuation.* A lawful nonconforming use, structure or lot as defined by this Part may be continued and maybe sold and continued by new owners. Any expansion

of, construction upon or change in use of a nonconformity shall only occur in conformance with this Section.

3. *Expansion of or Construction Upon Nonconformities.*

A. *Nonconforming Structure.*

(1) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

(a) 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 (except as provided by subparagraph (3) below).

(b) That any expanded area will comply with the applicable setbacks in that district and other requirements of this Part.

(2) 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.

(3) *Extension Along a Nonconforming Setback.* If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:

(a) The structure shall not be extended beyond the existing nonconforming setback line.

(b) No additional nonconformity shall be created.

(c) The new nonconforming extension shall not be greater than 25 percent of the existing floor area.

(d) All other requirements of this Part shall be met.

(e) Such addition shall not be permitted for a nonresidential building that abuts an existing primarily residential use.

B. *Nonconforming Lots.*

(1) *Permitted Construction on a Nonconforming Lot.* New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record held in single and separate ownership as a permitted by right use if minimum setback requirements are met.

(2) *Lot Width.* The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Part shall not by itself cause such lot to be considered to be a nonconforming lot.

C. *Expansion of a Nonconforming, Nonresidential Use.* A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

(1) An expansion of more than 5 percent in total building floor area shall require exception approval from the Zoning Hearing Board under Part 1.

(2) Such reconstruction or expansion shall be only upon the same lot that the use was located upon at the time the use became nonconforming.

(3) The (a) total building floor area used by a nonconforming use or the (b) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 25 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.

(a) 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.

(4) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Part, unless the Zoning Hearing Board grants a variance.

D. *Expansion of a Nonconforming Residential Use.* An existing nonconforming residential use may be expanded as a permitted by right use provided that: (1) the number of dwelling units or rooming house units are not increased, (2) the expansion meets all applicable setbacks, (3) no new types of nonconformities are created, (4) a nonconformity is not made more severe, and (5) all other dimensional requirements of this Chapter are met.

E. *Nonconforming Sign.* The provisions of this Part shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Part.

4. *Damaged or Destroyed Nonconformities.* A nonconforming structure 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 afterwards and continues, and (C) no nonconformity may be 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.

5. *Abandonment of a Nonconformity.*

A. 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:

(1) As provided for in the "Damaged or Destroyed Nonconformities" provisions of this Section.

B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

C. An existing lawful separate dwelling unit maybe unrented for any period of time without being considered "abandoned" under this Part.

6. *Changes from One Nonconforming Use to Another.*

A. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

B. A nonconforming use maybe changed to a different nonconforming use only if permitted 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.

C. 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:

- (1) Traffic safety and generation (especially truck traffic).
- (2) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards.
- (3) Amount and character of outdoor storage.
- (4) Late night and early morning hours of operation if the use would be close to dwellings.
- (5) Compatibility with the character of the surrounding area.

D. A nonconforming use shall not be changed to a nonconforming adult use.

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

(Ord. 12/18/2003, §805)

§27-806. Dumpster Screening and Location.

1. Any newly placed solid waste dumpster shall be screened on all sides as necessary to screen views from public streets and dwellings. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing or fencing of a similar appearance (such as white vinyl vertical planks). Primarily evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.

2. *Setback from Dwellings.* An outdoor solid waste container with a capacity of over 25 cubic feet shall be kept the maximum distance that is feasible from any abutting dwelling, in the determination of the Zoning Officer, provided that the container is not in the minimum front yard. In any case, an outdoor solid waste container shall be kept a minimum of 15 feet from an abutting dwelling. A solid waste dumpster shall not be located in a front yard.

3. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this §27-806.

4. All waste containers shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the Borough.

5. This Section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.

(Ord. 12/18/2003, §806)