# Borough Of Tatamy Zoning Ordinance

Northampton County, Pennsylvania

# ZONING ORDINANCE TATAMY BOROUGH

NORTHAMPTON COUNTY, PENNSYLVANIA

Adopted by the Borough of Tatamy Borough Council on February 4, 1991.

# DEVELOPED UNDER THE DIRECTION OF:

# BOROUGH COUNCIL

# AND

# PLANNING COMMISSION

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Luke Duignam, Vice-President
JoAnne Wagner
Daniel Baxter
Joseph McHale
Robert Fisher
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# TATAMY BOROUGH ZONING ORDINANCE

# TITLE PAGE

- 1. TITLE. An Ordinance dividing the Borough of Tatamy into districts and regulating the use of land and the location, use and density of buildings within these districts and providing for the administration and enforcement of this Ordinance. This Ordinance permits, prohibits, regulates, restricts and determines the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use; and further the Ordinance contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of the Ordinance. Pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of the Borough of Tatamy hereby ordains as follows:
- 2. <u>SHORT TITLE</u>. This Ordinance shall be known as and may be cited as the "<u>Tatamy Borough Zoning Ordinance</u>."

3.	ENACTMENT.	Enacted	and	ordained	into an	Ordinand	ce this	date	of £	Lucy	14.
	1991	•	This	Ordinand	ce shall	become	effect	ive 5	days	afte#	the
	enactment d	late.									

Date of Planning Commission Public Meeting:

October 9, 1990

Date of Borough Council Public Hearing:

January 22, 1991

Borough Council:

President

Attest, Borough Secretary

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# ARTICLE I

# GENERAL PROVISIONS AND ADMINISTRATION

101. PURPOSE AND OBJECTIVES. This Ordinance is hereby adopted: accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended, 2) in accordance with the goals and objectives (which are included by reference) of the Tatamy Borough Comprehensive Plan of 1990 (as may be amended), which constitutes an overall program, 3) in consideration of the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures, and 4) to assist in carrying out the goals and purposes of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act, PA. Storm Water Management Act, PA. DER regulations on erosion and sedimentation control, PA. Dept. of Transportation regulations on highway access control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.

# 102. GENERAL APPLICABILITY.

- A. An activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.
- B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the State Planning Code, or such successor section.
- C. All readers maintain the responsibility to procure the latest amendments to this Ordinance.
- 103. <u>PUBLIC UTILITY EXEMPTIONS.</u> See Section 619 of the State Planning Code.
- BOROUGH AND MUNICIPAL AUTHORITY EXEMPTION. The requirements of this Ordinance shall not apply to uses or structures owned by Tatamy Borough or by municipal authorities created solely by Tatamy Borough, for uses and structures that are intended for a legitimate governmental or public health and safety purpose.

# 105. <u>INTERPRETATION</u>.

A. <u>Minimum Requirements</u>. The provisions of this Ordinance shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where a provision of this Ordinance differs or conflicts with any other provision of this Ordinance or any other ordinance, regulation or law, the provision that is more restrictive upon uses and structures shall apply.

- B. <u>Uses Not Specifically Regulated</u>. If a use clearly is not permitted by right, by condition or by special exception by this Ordinance within any Zoning District, the use is prohibited in the Borough, except the applicant may apply to the Zoning Hearing Board. The Zoning Hearing Board may permit such use if the applicant proves all of the following to the satisfaction of the Zoning Hearing Board:
  - 1. that the use would clearly be less offensive in impacts and nuisances than uses permitted in that district,
  - 2. that the use would be compatible with permitted uses in that District,
  - 3. that the proposed use would be compatible with the purposes of the district.
  - 4. that the use can meet the general criteria listed in Section 118 entitled "Standards for Decisions," and
  - 5. that the use is not "specifically prohibited" in the District.
- C. <u>Sketches</u>. Sketches in this Ordinance are for illustrative purposes only and are not regulatory.
- D. Interpretation of Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Ordinance and the location of all District boundaries to particular applications. In case of uncertainty by the Zoning Officer, he/she shall request an interpretation of the specific uncertainty by the Zoning Hearing Board, with the applicant not liable for the application fee for that particular request. The Zoning Officer may also request an advisory opinion from the Borough Solicitor or the Zoning Hearing Board Solicitor. See Section 111 and the Borough fee schedule concerning appeals by an applicant.
- E. <u>Definitions</u>. In matters of dispute, the Zoning Hearing Board shall have the authority to define words that are not specifically defined in this Ordinance.
- 106. SEVERABILITY. It is hereby declared to be the legislative intent that:
  - A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
  - B. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.
- 107. REPEALER. All other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed, including the pre-existing Tatamy Borough Zoning Ordinance, as amended, but not including the Tatamy Borough Floodplain Zoning Ordinance, as amended.

# 108. GENERAL PROCEDURE FOR PERMITS.

- B. After receiving a proper application, the Zoning Officer shall either 1) issue the permit under this Ordinance or 2) refuse the Permit indicating the reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing.
- B. Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Borough Council, and/or the recommendations of the Planning Commission.
- C. If refused a Permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.
- D. After the permit under this Ordinance has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance, within 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.

# 109. PERMITS AND CERTIFICATES.

- A. Applicability. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out after receipt of any required approval or permit and in compliance with this Ordinance:
  - 1. Erection, construction, movement, 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, and/or
  - 3. Creation of a lot or alteration of lot lines.
- B. Ordinary repairs and maintenance to existing structures that do not infringe upon a required setback may be made without a permit under this Ordinance, if such work does not involve a change in use or an expansion, construction or placement of a structure and does not involve any other activity regulated by this Ordinance.

# C. Types of Uses.

- 1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance, including any specific additional requirements listed for that use in Sections 402 and 403.
- 2. Special Exception Use or Use Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.

3. Conditional Use. A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Borough Council, after the Planning Commission has been given an opportunity to review the application.

### D. Applications.

- 1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Ordinance shall be made in writing on a form provided by the Borough. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to a Borough employee responsible for processing such application. The applicant is responsible to ensure that a responsible Borough official notes the date of the official receipt on the application.
- 2. Six copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board, and 3 copies shall be submitted in action by the Board is not required. Such site plan shall be drawn to scale.
- 3. If an application does not require action by the Zoning Hearing Board, then the site plan shall show the following, unless the Zoning Officer determines that such a plan is unnecessary for determination of whether the proposal complies with this Ordinance:
  - a. the location and dimensions of the lot,
  - b. existing and proposed locations, dimensions and uses of structures and/or areas of land,
  - c. name and address of the applicant, or appellant,
  - d. name and address of the owner of the affected property,
  - e. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance and
  - f. all other applicable information listed on the official Borough application form.
- 4. If an application requires action by the Zoning Hearing Board, then the site plan shall show the following, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Ordinance:
  - a. the location and dimensions of the lot,
  - b. existing and proposed locations, dimensions and uses of structures and/or areas of land,
  - c. name and address of the applicant, or appellant,
  - d. name and address of the owner of the affected property,
  - e. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance
  - f. all other applicable information listed on the official Borough application form.
  - g. the present zoning district and major applicable lot requirements,
  - h. a description of the proposed use of the property and

- i. a listing of any sections of this Ordinances being appealed, with the reasons for any appeal.
- 5. Other Laws. The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by him or her that such a use would violate another Borough, State or Federal law or regulation.
- 6. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or leasee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).
- 7. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission or Borough Engineer) for review and comment.

#### E. Issuance of Permit.

- 1. At least 3 copies of any permit required under this Ordinance shall be made.
- One copy of any such permit shall be retained in Borough files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
- 3. After the issuance of a permit under this Ordinance by the Zoning Officer or any related Borough approval, no changes of any kind shall be made to the approved application without the written consent of the Zoning Officer. Changes of a site plan approved by the Zoning Hearing Board or Borough Council shall require approval of the changes by such bodies if the Zoning Officer determines that such changes significantly affect matters that were within their review. Such approval by the Hearing Board or Council is not required for minor technical adjustments or corrections of plans, as determined by the Zoning Officer.
- F. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:
  - 1. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.) or
  - 2. upon violation of any condition lawfully imposed upon a special exception or conditional use or
  - 3. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application or
  - 4. for any other just cause set forth in this Ordinance.
- G. Temporary Permit. See Section 807.

# 110. ZONING OFFICER.

A. <u>Appointment.</u> The Zoning Officer(s) shall be appointed by the Borough Council. The Zoning Officer(s) shall not hold any elective office within the Borough, but may hold other appointed offices.

# B. Duties and Powers.

- 1. The Zoning Officer shall:
  - a. administer the Zoning Ordinance;
  - b. receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance;
  - c. receive complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance;
  - d. keep records of applications, permits, certificates, written decisions and interpretations issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued; and make all required inspections and perform all other duties as called for in this Ordinance.
- 2. The Zoning Officer shall not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Borough.

# 111. ZONING HEARING BOARD AND VARIANCES.

# A. Appointment.

- 1. The Zoning Hearing Board shall be continued and shall consist of 3 residents of the Borough appointed by the Borough Council, unless a differing number of members are authorized by another valid Borough ordinance. Alternate members may be appointed within the provisions of the State Municipalities Planning Code.
- 2. Board members shall serve terms of 3 years, so fixed that the term of office of no more than one member expires each year.
- 3. Members of the Board shall hold no elected office in the Borough.
- B. <u>Vacancies</u>. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Removal of Members. See Section 905 of the Municipalities Planning Code.

# D. Organization.

1. Officers. The Board shall elect officers from its own membership Officers shall serve annual terms and may succeed themselves.

- 2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the State Municipalities Planning Code.
- 3. Rules. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Borough ordinances and State law.
- E. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:
  - 1. Appeal of a Decision by the Zoning Officer.
    - a. The Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Borough) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Ordinance.
    - b. See time limitations for appeals in Section 111.F.
  - 2. Challenge to the Validity of the Ordinance or Map.
    - a. The Board shall hear challenges to the validity of this Ordinance filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved.
    - b. After the conclusion of the hearing(s), the Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the Municipalities Planning Gode.

# 3. Variance.

- a. The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).
- b. The Board may grant a variance only within the limitations of State law. (As of 1990, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
  - (i) 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 Ordinance in the neighborhood or district in which the property is located;

(ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;

(iii) Such unnecessary hardship has not been created by the

appellant;

(iv) 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; and

(v) 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.)

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

# 4. Special Exception.

- a. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance.
- b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
- 5. Hearings. The Board shall conduct hearings and make decisions in accordance with Section 112 and the Municipalities Planning Code.
- 6. Records and Reports. The Board shall keep full public records of its business.

# 7. Court Appeals.

- a. In the case of an appeal from the Board to the Court of Common Pleas, the Appellant shall make the return required by law, and should promptly notify the Borough Zoning Hearing Board Solicitor of such appeal.
- b. Any decision of the Board not appealed within 30 days after notice thereof shall be final, except as may be permitted under State law.
- 8. Appeal by the Zoning Officer. See Section 105.D.
- F. <u>Time Limitations for Appeals</u>. The time limitations for appeals shall be as follows:

- 1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially made, or appeal with the County Court of Common Pleas later than 30 days after the decision by the Zoning Hearing Board except as may be provided for under State law.
- 2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
- 3. This 30 day time limit for appeals shall not apply to the revocation of a permit under Section 109.F.
- H. Stay of Proceedings. See Section 916 of the State Planning Code.
- I. Time Limitations on Permits and Variances.
  - 1. After a variance is approved or approval is officially authorized under this Ordinance, then a permit shall be secured by the applicant within 9 months after the date of such approval or authorization. Such action under such permit shall then begin within 12 months of the issuance of the permit.
  - 2. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after such plan review is completed or such plan approval is granted.
  - 3. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing to 18 months the 9-month application period.
  - 4. If an applicant fails to obtain the necessary permits within the above time period, or after obtained the permit fail to diligently commence substantial construction thereunder within such time period, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits shall be deemed automatically rescinded.
  - 5. Any building construction shall be completed within 36 months of issuance of an applicable permit.
- 112. <u>HEARINGS</u>. The Board shall conduct hearings and make decisions in accordance with the following:
  - A. <u>Notice of Hearings</u>. Notice of all hearings of the Board shall be given as follows:

- 1. Public notice shall be published, as defined by Section 107 of the Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
- 2. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that such notice is posted and remains posted until the hearing.
- 3. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Commission, Borough Council and owners of record of property abutting or within 100 feet of the lot lines of the subject property. 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 by a Borough representative to the last address known to the Borough. Such notice should be intended to be received at least 5 days prior to the hearing date.
- 4. a. In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, except boundaries separated by a perennial river, and which the Borough staff determines may have a significant impact on that municipality, the Borough staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter at least 7 days prior to the hearing date.
  - b. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing.
- 5. The Borough Council may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by this Ordinance.

# B. Parties.

- 1. The parties to a hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
- 2. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. Oaths and Subpoenas. The chair of the Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- D. <u>Representation by Counsel</u>. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- E. <u>Evidence and Record</u>. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the hearing officer, as the case may be, shall keep a record of the proceedings as required by State law.

# F. Ex Parte Communications.

- 1. The Board shall not meet with, visit the site with or directly communicate with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- 2. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed. This restriction shall not apply to advice from the Board's solicitor.
- G. <u>Planning Commission Review</u>. The Zoning Hearing Board may request that the Planning Commission provide an advisory review on any matter before the Board.
- H. <u>Initiation of Hearings</u>. A hearing required under this Ordinance 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. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.

# I. <u>Decision/Findings</u>.

- 1. The Board shall render a written decision or make written findings (when no decision is called for) on the application, within 45 days after the last hearing before the Board, unless the applicant has agreed in writing to an extension of time.
- 2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.
- 3. Any conclusion based on any provision of the Municipalities Planning Code or of this Ordinance, or of any other ordinance, rule or regulation shall contain a reference to the provision relied on.
- J. <u>Notice of Decision</u>. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address.

### 113. APPEALS.

- A. <u>In General.</u> All appeals of this Ordinance or any action of the Borough Council or Borough officials under this Ordinance shall conform with Article X of the State Planning Code.
- B. <u>Procedural Defects in Enactment</u>. Allegations that this Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 60 days from the intended effective date of the Ordinance or amendment.
- C. <u>To the Zoning Hearing Board.</u> Appeals to the Board shall comply with Section 112, "Hearings."

### 114. AMENDMENTS,

- A. Borough Council may amend, challenge, or repeal any or all portions of this Ordinance on 1) its own motion or 2) upon agreeing to hear a written request of any person, entity or the Planning Commission.
- B. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, following the procedural requirements of the State Planning Code, including public notice.
- C. <u>Planning Commission</u>. In the case of an amendment other than that prepared by or under the direction of the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment and permit the Commission an opportunity to provide recommendations.

#### D. JPC Review.

- 1. The Borough Council or Planning Commission shall submit the proposed amendment to the Joint Planning Commission (JPC) for recommendations at least 30 days prior to the hearing on such proposed amendment.
- 2. No action shall be taken by the Borough Council until any JPC comments are received, unless 30 days pass without such comments being received.
- E. Changes After a Hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include or exclude land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. <u>Application for Amendment</u>. Any request for amendment of the Zoning Ordinance (including supplement, change or repeal) by any person or entity (other than the Borough Staff, Planning Commission, Borough Council or committee appointed by the Borough Council or under the direct oversight of such entity) shall include the following:

- 1. A statement of why the change would be in the best interests of the Borough;
- 2. A statement of how the proposal will relate to the Borough Comprehensive Plan;
- 3. A statement addressing any adverse affects on adjacent residences;
- 4. A statement addressing any major traffic access or congestion concerns;
- 5. A map showing the proposed boundaries of any proposed map changes, the existing zoning of the land and of adjacent lands and the current uses of adjacent lots; and
- 6. A statement explaining proposed extensions and major improvements, if needed, of public water and sewer systems to serve the land area.
- G. Traffic Impact Report. The Planning Commission or the Borough Council may require an applicant for a zoning amendment to fund a traffic impact study following standard methods and completed by a qualified traffic engineer. Such a study shall take into account the entire land area proposed for a change, with an emphasis on the net projected traffic increases from the proposed amendment compared to the existing zoning, based upon reasonable assumptions about the intensity and type of development.
- H. <u>Notification of Proposed Zoning Map Amendment</u>. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Borough officials, then at least 10 days prior to the hearing the proposed change, the applicant shall send or have delivered in person written notice of the proposed change and the hearing date to all owners of record of all property proposed to be rezoned and all property directly abutting the land to be rezoned.

#### 115. CURATIVE AMENDMENTS.

- A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council with a written request that this challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code.
- B. For a curative amendment request, the applicant shall pay the Borough all fees required under the applicable Borough fee schedule, and at a minimum, shall compensate the Borough for all actual expenses for legal advertising.

#### 116. FILING FEES AND COSTS.

A. The Borough Council has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance.

- B. No application or appeal shall be considered filed until all fees are paid.
- C. This fee schedule may be based upon the type of application and the breath of the proposed development including acreage, numbers of lots and type of use, to most accurately reflect the Borough's actual costs.
- 117. <u>ENFORCEMENT; VIOLATIONS AND PENALTIES; REMEDY.</u> See Sections 616 and 617 of the Municipalities Planning Code.

# 118. <u>CONDITIONAL USE PROCESS.</u>

A. <u>Applicability</u>. Certain uses that are permitted by this Ordinance as "Conditional Uses" shall be required to follow the review and zoning approval procedures described in this section.

# B. Procedure.

- 1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) or special exception approval that is directly relevant to the site layout and nature of the use is received. The applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or a special exception.
- 2. Submission. 10 complete copies of any required site plan meeting the requirements of Section 122 shall be submitted to the Borough. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.
- 3. Effect. A conditional use approval by itself shall not relieve the applicant of any obligation under a Borough Ordinance nor constitute a recommendation for a zoning variance.
- 4. Distribution. The Borough shall distribute copies of the site plan to the Planning Commission and the Borough Council. A minimum of 1 copy shall be retained in the Borough files. The Borough Fire Services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
- 5. Zoning Officer Review. The Zoning Officer or his/her designee shall report in writing or in person to the Planning Commission or Borough Council stating whether the proposal complies with this Ordinance. The Borough staff, Planning Commission or Borough Council may request a review by the Borough Engineer.
- 6. Planning Commission. The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Borough Council prior to action of the Borough Council.

- 7. The Borough Council shall not act to approve or deny a conditional use application until they have received the reports of the Zoning Officer and the Planning Commission, unless a period of 60 days has passed from the date of the application.
- 8. The Borough Council shall approve, conditionally approve or disapprove the conditional use submission within 90 days from the date of the first regularly scheduled Planning Commission meeting following the submission of a complete and proper application, unless the applicant has agreed to an extended review period. In granting a conditional use, the Borough Council may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance.
- The decision of the Borough Council shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or his/her representative.
- C. <u>Approval of Conditional Uses</u>. The Borough Council shall approve any proposed conditional use if they find adequate evidence that the proposed use will meet:
  - 1. All of the standards listed in Section 118.D.
  - 2. Any specific standards for the proposed use listed in Article IV.
  - 3. All other applicable sections of this Ordinance.
  - 4. Generally be capable of meeting applicable sections of the Subdivision and Land Development Ordinance and all other applicable Borough Ordinances.
- D. <u>Standard for Decisions</u>. Each conditional or special exception use shall comply with all of the following standards:
  - 1. Other Laws. Not clearly in conflict with other Borough Ordinances or State or Federal laws or regulations known to the Borough.
  - 2. Traffic. Will not result in or significantly add to a significant traffic hazard or significant traffic congestion.
  - 3. Safety. Will not create a significant public safety hazard, including fire, toxic or explosive hazards.
  - 4. Storm Water Management. Will follow adequate and professionally accepted engineering methods to manage storm water. This shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management by the Borough Council under another Borough Ordinance.
  - 5. Neighborhood. Will not significantly negatively affect the desirable character of an existing residential neighborhood.

- 6. Design. Will involve adequate site design methods, including screening, setbacks and traffic control, to avoid significant negative impacts on adjacent uses.
- 7. Performance Standards. Will not have a serious threat of future inability to comply with the performance standards of this Ordinance, as stated in Article V.

# 119. SPECIAL EXCEPTION USE PROCESS.

A. <u>Purpose</u>. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

# B. Procedure.

- 1. All applicants for a special exception use shall submit 8 sets of Site Plans for the proposed use to the Secretary to the Zoning Hearing Board together with a written application. The Zoning Officer may waive the site plan requirement for home occupations that are not intense and other uses not involving new construction nor additional off-street parking. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
- 3. All Site Plans shall contain the information required in Section 109.A.
- 4. The Borough shall forward the application to the Planning Commission, Zoning Hearing Board and its solicitor. A minimum of 1 copy shall be retained in the Borough files.
- 5. The Zoning Officer should, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
- 6. The Planning Commission shall be given an opportunity to review the proposed special exception use at their next regular meeting and submit an advisory recommendation to the Zoning Hearing Board. However, the Zoning Hearing Board may rule on the case without receiving a review by the Planning Commission if such decision by the Board must be made at such time to comply with the time restrictions of this section.
- 7. The Board shall review any reports or recommendations that may have been received from the Zoning Officer and/or Planning Commission.

- 8. The Board shall hear and decide such request for a special exception use under the procedures of Article I and the State Planning Code. The Board shall schedule the first hearing within 60 days of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within 45 days after the conclusion of the final hearing on the matter.
- 9. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with Article I.
- 10. A site plan review by the Planning Commission and the Borough Council may also be required for certain uses. See Section 121.
- C. <u>Approval of Special Exception Uses</u>. The Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet:
  - 1. All of the standards listed in Section 118.D.
  - 2. All of the specific standards for the proposed use listed in Article IV.
  - 3. All other applicable requirements of this Ordinance.
- D. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

# 120. LIABILITY.

- A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Borough, shall constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, 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 public body, official, consultant nor employee for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Borough shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

# 121. <u>SITE PLAN REVIEW FOR MAJOR USES NOT REQUIRING CONDITIONAL USE, SUBDIVISION OR LAND DEVELOPMENT APPROVAL.</u>

- A. <u>Applicability.</u> This section requires a site plan review by the Planning Commission and Borough Council for any of the following uses if such use is not required to be approved as a conditional use, as a subdivision or as a land development.
  - 1. Any expansion of more than 2,000 square feet in the floor area of a structure of one of the following types:
    - (a) Industrial, office or commercial building or use,
    - (b) School, place of worship or institutional building or
    - (c) Animal husbandry.
  - 2. Any new or expanded paved area of greater than 5,000 square feet.
  - 3. Conversion of a noncommercial or nonindustrial building to a new principal commercial use.
  - 4. Any change from one commercial or industrial use to a different commercial or industrial use that would require the addition of at least 15 off-street parking spaces beyond what was previously provided.
- B. <u>Procedures</u>. The following procedures shall be followed for any use required to be reviewed under this Section:
  - 1. Submission. 8 complete copies of any required site plan shall be submitted to the Borough. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Ordinance. A minimum of 1 copy shall be retained in Borough files.
  - 2. Time. The Planning Commission shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer and the Borough Council. The Borough Council shall review the site plan and provide any advisory comments in writing within 90 days after the first regularly scheduled Planning Commission meeting after the receipt of a complete site plan submission, unless the applicant grants a written time extension.
  - 3. Effect. A site plan review by Borough Council or the Planning Commission shall not by itself constitute official action by the Borough.
  - 4. The Zoning Officer shall review the site plan and determine its compliance or noncompliance with this Ordinance, based upon his/her review and any comments of the Borough Council and Planning Commission.

- 5. Compliance: Once a site plan is reviewed by the Borough and found to be in compliance with this Ordinance by the Zoning Officer, the applicant or his/her successor shall comply with that approved site plan. Any changes to the site plan shall be resubmitted to the Borough for approval under this Section, except for changes that the Zoning Officer determines and states in writing are minor corrections of information or clearly minor adjustments that do not affect the overall site plan.
- 122. SUBMISSION REQUIREMENTS FOR CONDITIONAL USES AND MAJOR USES REQUIRING SITE PLAN REVIEW. The following information, as applicable, shall be submitted by the applicant for any conditional use or any use required to submit a site plan under Section 121, except for information waived by the Planning Commission as not applicable or necessary:
  - A. A statement describing the proposed use.
  - B. Layout. A site layout drawn to scale (preferably 1"=50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas.
  - C. Landscaping. The width of any buffer yard and the heights, spacing and types of plants to be used for screening. General numbers, locations and types of landscaping to be provided in off-street parking lots, along streets and in other areas.
  - D. Parking. The locations and numbers of parking spaces; the location, direction and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement shall be shown, based upon Section 601.
  - E. Lighting and Signs. The height, location and approximate intensity of exterior lighting. The sign area, height, location and method of lighting of signs.
  - F. Sidewalks. The location and width of any proposed sidewalks and curbing.
  - G. Utilities. General proposed method of providing wastewater treatment and water supply.
  - H. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, fire or toxic or explosive hazards or other significant hazards to the public health and safety.

- I. Grading and Stormwater. Proposed and existing contours if any earth disturbance is proposed. Identification of any slopes between 15 and 25 percent and greater than 25 percent. Proposed method of managing stormwater runoff. See Section 808 of this Ordinance. Delineation of any floodplains from the Official Floodplain Maps.
- J. A location map showing the boundaries of the project and its relation to surrounding streets. Lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.
- K. Zoning district and major applicable requirements.
- L. Name and address of the person who prepared the Site Plan, the applicant and the owner of record of the land.
- M. Such other data or information as the Zoning Officer, Planning Commission or Borough Council deem is reasonably necessary to determine compliance with Borough ordinances.

# ARTICLE II

# DEFINITIONS

- 201. <u>GENERAL INTERPRETATION</u>. For the purposes of this Ordinance, 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. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
  - F. If a word is not defined in this Ordinance, but is defined in the Borough Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply. If a word is defined in both this Ordinance and another Borough ordinance, each definition shall apply to the provisions of each applicable Ordinance.
  - G. Any word or term not defined in this Ordinance or the Borough Subdivision and Land Development Ordinance, as amended, shall be used with the meaning of standard usage within the context of the Section.
  - H. The words "such as", "includes", "including" and "specifically" shall provide examples, but shall not by themselves limit a provision only to items specifically mentioned, if other items would otherwise comply with the provision.
- 202. <u>TERMS DEFINED</u>. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

<u>Abut.</u> 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."

Access Drive or Accessway. A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use. See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building. A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

<u>Accessory Use.</u> A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

Adult Bookstore. A use having a significant portion of the market value of its stock in trade and/or of the number of total items of its stock in trade in books, films, magazines, video tapes, novelties or other periodicals which are distinguished or characterized by an emphasis on matter depicting, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons over age 60 and/or disabled persons who need such daily assistance because of physical disability, old age or mental problems that are not criminal or violent in nature. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than 60 hours per week per person.

Adult Movie Theater. A use involving the presentation typically to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter. This shall include, but not be limited to, any theater that shows any one or multiple motion pictures that is restricted to persons over age 18, regardless of the presence of parents or guardians, over a total of more than 14 days in any calendar year.

<u>Adult Use.</u> This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Cabaret.

Agriculture. Shall mean "crop farming", "plant nursery" and "animal husbandry". See definition of each.

Airport. An area of land or water or a surface of a building which is designated, used or intended to be used for the landing and take-off of motorized aircraft weighing more than 50 pounds each, and any related aircraft support facilities such as for maintenance, refueling and parking. A "public airport" shall be one that does not meet the definition of a "private airport." A "private airport" shall be one that is limited to a maximum total of 15 flights and/or take-offs in any 7-day period and that is not available for use by the general public.

Alley. A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Amateur Radio Antenna. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies. This includes any accessory supporting structures.

Animal Cemetery. Land or buildings used for the internment or burial of the remains of a) 3 or more non-cremated animals on a lot of less than 30 acres and b) 10 or more animals on a lot of 30 or more acres. Burial of cremated animals or fewer numbers of non-cremated animals on a lot shall be a permitted by right accessory use in all districts.

Animal Hospital. Shall have the same meaning as "Veterinary Office."

Animal Husbandry. The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is allowed within the definition of "crop farming." For the purposes of this Ordinance, the "keeping of livestock" shall have the same meaning as "animal husbandry". Animal husbandry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Ordinance.

<u>Auditorium</u>, <u>Commercial</u>. A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult cabaret or standard or fast-food restaurant.

Auto. Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or 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 or a junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles 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, any 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 a "auto service station" is also permitted as part of an "auto repair garage."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be 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. This use may include the sale of ready-to-eat food for consumption off of the lot and common household products as a clearly accessory use, provided that the total parking requirements of Article VI are complied with.

<u>Basement.</u> An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if more than 50 percent of the perimeter walls at the basement ceiling height are 5 feet or higher above the adjacent finished grade.

Bed and Breakfast. The use of a maximum of 4 transient rental units within a dwelling. This shall only include a use that is operated primarily by a permanent resident(s) of the dwelling. No person (other than the operator and his/her family) shall occupy the use for more than 21 days in any 60 day period.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

<u>Billboard</u>. See "Sign, Off-Premise." A billboard shall be any off-premise sign with any total sign area greater than 50 square feet.

Blast or Blasting. The explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives.

Board. The Zoning Hearing Borough of Tatamy Borough.

Borough Council. The Borough Council of Tatamy Borough.

Boarding House. A residential use in which two or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation or a dwelling unit that includes greater than the permitted maximum number of unrelated persons, and which does not meet the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days.

Borough. The Borough of Tatamy, Northampton County, Pennsylvania.

<u>Buffer Yard.</u> A strip of land separating a land use from another land use or feature, and which is not occupied by any principal or accessory 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.

<u>Building.</u> Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "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.

<u>Building Coverage</u>. The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located.

<u>Building</u>, <u>Principal</u>. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

<u>Building Length.</u> The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any 1 building or of attached buildings.

Building Setback Line. See "Setback Line."

<u>Building Width.</u> The horizontal measurement between 2 structural walls of 1 building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

<u>Bulk Storage</u>. Storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or re-sold for use off-site.

<u>Cabaret.</u> A use including live entertainment involving persons displaying uncovered male or female genitals or completely nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to an operator of the use or to persons involved in such activity.

<u>Campground.</u> A use that is primarily recreational in nature that involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups of persons under age 18 and their counselors.

<u>Carport.</u> A building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

<u>Cartway.</u> The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

<u>Cemetery.</u> Land or buildings used for the burial of deceased humans, but not animals. The internment of remains of cremated humans is not regulated by this ordinance.

<u>Chairperson.</u> Includes chairman, chairwoman, chair and acting chairperson (when applicable).

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 15 to December 30 that were produced on the premises.

Commercial Communications Tower. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, antenna used for transmitting commercial radio or television signals or cellular telephone communications, but shall not include an amateur radio antenna.

Commercial District. The C District.

Commercial Forestry. The harvesting of more than 25 live trees with a trunk width of 6 inches or more at a height 3 feet above the average ground level on any tract or lot within a calendar year. This term shall not apply to the following, which are permitted by right uses in all districts: 1) cutting of trees that involve less than 20 percent of all trees on 1 or more abutting lots with a trunk width of greater than 6 inches, 2) cutting of trees with a trunk width less than 6 inches, 3) cutting of fewer than 25 such trees in a calendar year, 4) Christmas tree farms nor 5) clearing of portions of a lot that is clearly the minimum necessary for construction.

<u>Commercial Outdoor Recreation.</u> An area which has a total building coverage of less than 15 percent, is used principally for active or passive recreation, and is used for a profit-making purpose.

<u>Commercial Use.</u> Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission. The Planning Commission of the Borough of Tatamy.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses.

Comprehensive Plan. The document entitled the <u>Tatamy Borough Comprehensive Plan</u>, or any part thereof, adopted by the Borough Council, as amended.

<u>Conditional Use.</u> A use which is allowed or denied by the Borough Council within the provisions of Article I, after review by the Planning Commission.

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 either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended.

<u>Construction.</u> Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a pre-existing building.

<u>Convenience Store.</u> A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 5,000 square feet. This use may also include the accessory sale of gasoline, provided the requirements for an "auto service station" are also met.

<u>Conversion</u>. To change or adapt land or structures to a different use.

County. The County of Northampton, Commonwealth of Pennsylvania.

<u>County Planning Commission.</u> The Joint Planning Commission, Lehigh-Northampton Counties.

Criminal Treatment Center. A type of institutional use, other than a prison or a permitted type of "hospital", providing living accommodations and/or treatment facilities for persons needing such treatment because of offenses or actions that are criminal in nature. This shall include, but not be limited to, persons requiring such treatment or housing because of current, illegal use of or addiction to a controlled substance as defined by Federal law. This use shall include, but not be limited to, drug rehabilitation centers, half-way houses for persons recently released from prison, holding centers for persons who would otherwise be imprisoned, facilities for the housing and treatment of persons who suffer from a mental illness that is criminal in nature and holding/ treatment centers for drunk drivers.

Crop Farming. The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. If a crop farming lot includes more than 15 acres, it may also include the keeping of up to 10 additional animals as a permitted accessory use, in addition to what is permitted under the "keeping of pets" in Section 403.

<u>Cultural Center.</u> A building and/or land open to the public which contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

<u>Curative Amendment</u>. A proposed zoning amendment made to the Borough Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Day Care Center. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State required education, including a "nursery school". See also the definition of "adult day care center." (See also the standards of Section 402 and 403 which generally treat a day care center serving 7 or more children as a principal use, and a day care center serving 6 or fewer children as an accessory use).

Days. Calendar days.

<u>Density.</u> The total number of dwelling units divided by the "lot area", unless otherwise stated.

 $\underline{D.E.R.}$  The Pennsylvania Department of Environmental Resources, or its successor, and its relevant subparts.

<u>Detached Building.</u> A building that is surrounded on all sides by open yards and that is not attached to any other building.

<u>Development</u>. Construction, erection or expansion of a structure or mining, dredging, filling, grading, paving, excavation or drilling operations. The term also includes any activities defined as "land development" under the Tatamy Borough Subdivision and Land Development Ordinance.

<u>Distribution</u>. The processing of materials so as to sort out which materials are to be transported to different locations, and the loading and unloading of such materials. This term shall not include a "truck terminal."

<u>District (or Zoning District).</u> A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

<u>Dormitory</u>. A principal or accessory building that includes residential areas occupied exclusively by faculty or students of an accredited college or university or State licensed teaching hospital or accredited public or private primary or secondary school.

<u>Driveway.</u> A privately owned, constructed, and maintained vehicular access from a street or access drive to only 1 dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive".

<u>Dump.</u> Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by PA. D.E.R. and that is not a permitted junkyard under this Ordinance.

<u>Dwelling</u>. A building used as nontransient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or any group residence. A dwelling may include a use that meets the definition of a "sectional home". This Ordinance categorizes dwellings into the following types:

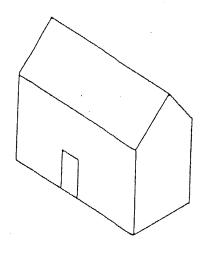
- A. <u>Conversion Apartment.</u> A new dwelling unit created within an existing building.
- B. <u>Garden Apartments</u>. Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). This shall include buildings with a maximum height of 3-1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.
- C. <u>Mid-Rise Apartments</u>. Three or more dwelling units within a building that is higher than 35 feet or 3-1/2 stories, and less than 60 feet or 6 stories (whichever is less).

- D. <u>Sectional Home</u>. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. <u>Single Family Detached Dwelling</u>. A dwelling unit accommodating a single family and having open area on all sides.
  - 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, e) is not a "Recreation Vehicle," and f) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "Section home."
- F. <u>Single Family Semi-Detached Dwelling</u>. One dwelling unit accommodating one family that is attached and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex or one-half of a twin home. Each unit may or may not be on a separate lot.
- G. <u>Townhouse</u>. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from each other by vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "rowhouses" or "single family attached dwellings".
- H. <u>Two-Family Detached Dwelling</u>. Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have 2 side yards.

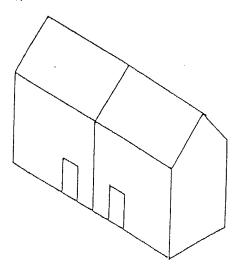
<u>Dwelling Unit.</u> One dwelling occupied by only one "family." See definition of "family". Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall have cooking facilities within a single room or 2 abutting rooms that open into each other. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

# TYPES OF DWELLING UNITS

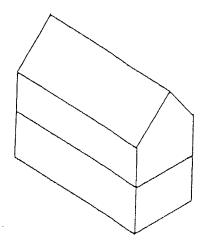
For Illustrative Purposes Only



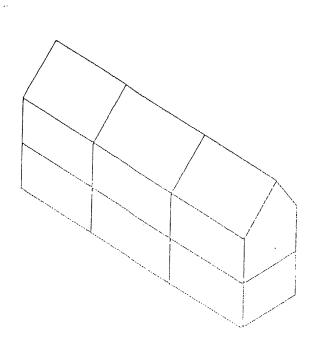
SINGLE FAMILY DETACHED

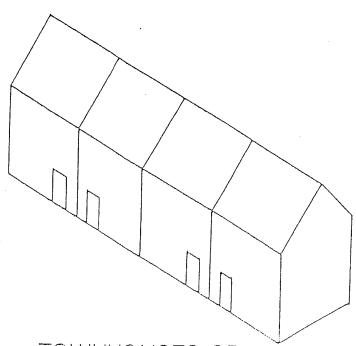


TWO FAMILY SEMI-DETACHED



TWO FAMILY DETACHED





TOWNHOUSES OR SINGLE FAMILY ATTACHED DWELLINGS

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 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. Uses that are necessary for the preservation of the public health and safety, and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 403. 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 trucks or equipment or bulk storage of materials.

Exercise Club. A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, nonhousehold pool, racquetball courts and training for these activities.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than 5 persons who are not related to each other by blood, official foster relationship, marriage or adoption. The term "family" may specifically include a maximum of 5 unrelated persons living within a "group home" (including the highest number of staff present during any one shift), except that the provisions for groups homes in Section 402 may allow a greater number of unrelated persons in certain circumstances. A "criminal treatment center" shall not be considered a "family" or a "group home."

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block 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. The terms "fence" and "wall" do not include hedges, trees or shrubs.

<u>Financial Institution.</u> An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain (100-Year). See definitions in the Borough Floodplain Ordinance.

Forestry, Commercial. See "Commercial Forestry."

Fraternity. A type of "boarding house."

Garage, Private or Household. An enclosed building for the storage of 1 or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 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.

### Group Home,

- A. The use of a permitted dwelling unit in such a way that it meets all of the following criteria:
  - 1. involves the care of less than 15 persons, or a lower maximum number of persons provided by Section 402,
  - 2. involves the care of persons who need nonroutine support services and oversight in order to reasonably function, because of physical illness or infirmity, old age, physical disability, mental illness, mental retardation or emotional disability, or other "handicap" as defined by the relevant Federal law or regulation, but not including any use that meets the definition in this Article of a "criminal treatment center."

(Note- as of 1990, the Federal Fair Housing Act defined " 'handicap' with respect to a person" as follows -"(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in section 802 of Title 21.").

- 3. involves persons living together and functioning as a common household,
- 4. meets all of the standards in Section 402,
- 5. does not involve the housing of persons who constitute a direct threat to the physical safety of others, including but not limited to, persons prone to physical violence against others.
- B. Either of the following shall not by itself cause the regulations of Section 402 to apply other than what applies to a "family":
  - 1. The care of 1 or 2 persons in a group home type of setting.
  - 2. The care of persons who are related to each other or to a resident caregiver by blood, marriage, adoption or formal foster relationship.

Hazardous Waste. Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act.

Height. The vertical distance measured from the average elevation of the average proposed surrounding ground level to the highest point of a structure. See exemptions for certain types of structures in Section 802.

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the nonroutine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A. <u>Public Heliport.</u> A heliport that does not meet the definition of a Private Heliport.
- B. <u>Private Heliport.</u> A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period and that is not available for use by the general public. This is also known as a helistop.

Home Occupation. An accessory use conducted or administered primarily by one or more permanent residents of a dwelling within that dwelling or its accessory building, and that is clearly incidental and secondary to the principal residential use, and that does not meet the definition and standards for a "home office." See Section 403.

Home Office. The routine, accessory and customary use of a portion of a dwelling for conduct of administrative work, clerical work, sales over the phone or the receiving of mail that: a) is conducted solely by permanent residents of the dwelling and b) does not involve retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use. See Section 403.

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 medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic". A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not include housing of the criminally insane and shall not primarily involve the housing or treatment of persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professions.

<u>Hotel or Motel.</u> 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.

<u>Impervious Coverage</u>. The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The nonimpervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.8 or greater. Any dispute over whether an area is "impervious" shall be decided by the Borough Engineer. Areas of land paved for the sole purpose of noncommercial tennis courts, bicycle trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces, unless they would also be used for nonrecreational uses (such as parking).

<u>Industrial Districts</u>. Includes the LI District.

<u>Industrial Use.</u> Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

<u>Junk.</u> Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, aircraft, glass, plastics, industrial waste, machinery, equipment, containers, structures, used building materials and building materials left on a site after completion of the portion of construction to which those building materials relate. Junk shall not include: a) 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, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

<u>Junk Vehicle</u>. Includes any vehicle or trailer that meets any of the following conditions:

- A. does not display a license plate with a current registration sticker,
- B. does not have a valid State safety inspection sticker, or valid temporary failed sticker, where that would be required for it to travel on a public street.
- C. cannot be immediately 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,
- D. cannot be immediately towed, in regards to a vehicle designed to be towed,
- E. has been demolished beyond repair,
- F. has been separated from its axles, engine, body or chassis, and/or

G. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

### Junkyard.

- A. 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:
  - 1. Junk.
  - 2. A greater number of junk vehicles than is permitted under Section 604 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 specific requirements of an auto repair garage or auto service station.
  - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use.

<u>Kennel</u>. The keeping of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "Keeping of Pets" or the "Crop Farming" provisions of this Ordinance. A nonprofit animal shelter is a type of kennel.

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 leasee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

<u>Leaf Composting.</u> The collection and processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

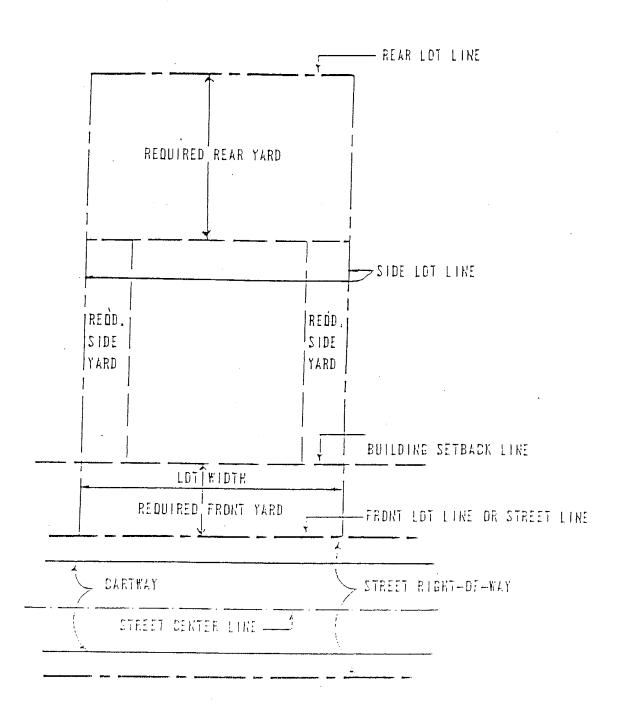
<u>Lighting</u>. <u>Diffused</u>. Illumination that passes from the source through a translucent cover or shade.

<u>Line</u>. Street. The street right-of-way line. This shall be the future street right-of-way line, if one is required to be established.

<u>Lot.</u> A separate parcel of land that is recorded or that will be recorded after Borough final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

# TERMS FOR LOT REQUIREMENTS

FOR GENERAL ILLUSTRATIVE PURPOSES ONLY



Lot, Corner. A lot which has an interior angle of less than 135 degrees at the intersection of 2 street lines. 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, Interior. A lot other than a corner lot.

Lot, Reverse Frontage. A lot that abuts two approximately parallel streets, but only has access onto one street.

Lot, Through. A lot that abuts 2 approximately parallel streets.

Lot, Flag or Keyhole. An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. See Section 801.

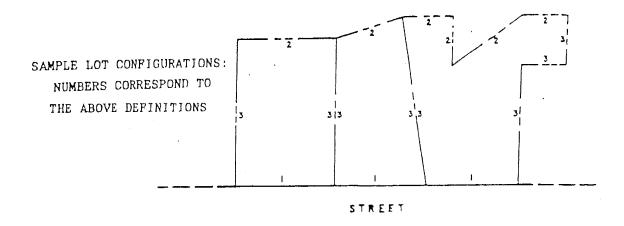
Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot Area shall not include the following:

- A. Areas within existing street rights-of-way,
- B. Areas that are currently or will be dedicated as common open space, or
- C. For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

<u>Lot Depth.</u> The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

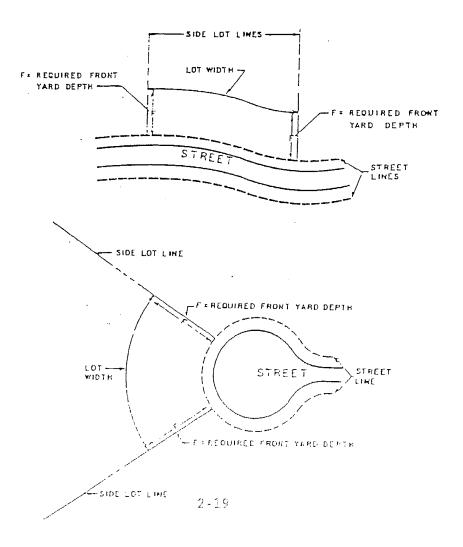
<u>Lot Lines</u>. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

- 1. Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.
- 2. <u>Rear Lot Line.</u> A lot line opposite and most distant from the front lot line. (A 3 sided lot has no rear lot line.)
- 3. <u>Side Lot Line</u>. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.



SAMPLE LOT CONFIGURATIONS: NUMBERS CORRESPOND TO THE ABOVE DEFINITIONS

<u>Lot Width.</u> The horizontal distance between the side lot lines measured at the minimum front yard building setback line, unless otherwise stated.



<u>Manufacture</u>. The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or truck terminal.

<u>Massage</u>. The performance of manipulative exercises using the hands and/or a mechanical device on a person(s) by another person(s) that is related to certain monetary compensation.

Massage Parlor. An establishment that meets all of the following criteria:

- A. "Massages" are conducted.
- B. The person conducting the massage is not licensed as a health care professional or licensed massage therapist by the State,
- C. The massages are conducted within private or semi-private rooms, and
- D. The use is not clearly a customary and incidental accessory use to a permitted exercise club or a high school or college athletic program.

Medical Office or Clinic. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

Membership Club. An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are 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. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, 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 Park. A parcel of land under single ownership which has been planned and improved for the placement of 2 or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be 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 home park."

Motel. See "Hotel."

<u>Municipalities Planning Code.</u> The Pennsylvania Municipalities Planning Code, Act 248 of 1968, as amended.

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 Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this ordinance, as amended, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include but are not limited to, signs.

<u>Nonconforming Use.</u> A use, whether of land or of a structure, which does not comply with the applicable use provisions in this ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment.

<u>Nursing Home.</u> A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

Official Map. Any Official Map that may be adopted or amended by the Borough Council in accordance with the Municipalities Planning Code.

Official Street Classification Map. The map as adopted by the Borough Council classifying the streets of the Borough. See definition of "Street Classification". This map may be amended by resolution of the Borough Council.

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

Open Space, Common. A parcel or parcels of land, or an area of water, or a combination of land and water within a tract which is:

- A. designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. which is covered by a system for perpetual maintenance and
- C. is deed restricted to permanently prevent the use of land for uses other than "common open space."

D. which does not include any of the following: existing or future street rights-of-way, accessways, buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), off-street parking (other than that clearly intended for noncommercial recreation), any area needed to meet a requirement for an individual lot, any area deeded over to an individual property owner for their own use, land with right-of-ways intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity,

Ordinance. The <u>Tatamy Borough Zoning Ordinance</u>, including the Official Zoning Map and Official Street Classification Map, as amended.

PA. Pennsylvania.

Parking. Shall mean off-street parking unless otherwise stated.

<u>Paved Area.</u> All areas covered by gravel and/or impervious surfaces, other than buildings and concrete public sidewalks.

<u>PennDOT</u>. The Pennsylvania Department of Transportation, or its successor, and its subparts.

<u>Permit.</u> A document issued by the proper Borough authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit. A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Borough Staff, in accordance with the Tatamy Borough Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. <u>Construction Permit</u>. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Borough Staff, in accordance with the provisions of any Building Code which may be adopted by the Borough.

<u>Permitted By Right Use.</u> Uses that do not have to be approved as uses by the Zoning Hearing Board or the Borough Council. (A site plan review by the Planning Commission and the Borough Council is required for certain permitted by right uses to ensure that the use would comply with all Borough ordinances.) A "nonconforming use" shall not be considered to be a "permitted use".

<u>Personal Care Center.</u> A residential use providing residential and support services primarily to persons over age 60 and/or the disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

<u>Personal Service.</u> 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, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include a massage parlor.

<u>Picnic Grove</u>. An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

<u>Places of Worship</u>. 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 such use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Planning Commission. The Planning Commission of the Borough of Tatamy.

<u>Plant Nursery.</u> The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

<u>Principal Building</u>. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

<u>Principal Use.</u> The dominant use(s) or single main use on a lot, as opposed to an accessory use.

Property Line. Has the same meaning as "lot line".

Public Notice. Notice required by the State Planning Code.

<u>Publicly-Owned Recreation</u>. Land and/or facilities that are owned by a government agency or the Borough and are available for use by the general public for leisure and recreation.

<u>Recreation, Private or Commercial.</u> Leisure-time activities that are only open to members, guests or some specific groups and/or that are principally operated for commercial purposes.

Recreational Vehicle. A vehicle which is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft with a hull longer than 14 feet, motor homes, travel trailers, all terrain vehicles and snowmobiles.

Recreational Vehicle Storage Area. An outdoor area used for the storage of 3 or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that District.

Recycling Center, Bulk, See "Bulk Recycling Center."

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all 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, an emergency services station or a college or university.

Residential Accessory Building. Structure 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 (private), Carport, Tennis Court, Garage Sale, Basketball Backboard, Storage of a Recreational Vehicle, Private Swimming Pool, Nursery School/Day Care Center (as an accessory use), Volleyball Court, Home Office, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment.

Residential District. The R-1, R-2 and R-3 Zoning Districts.

Residential Lot Lines. The lot line of a lot containing an existing dwelling or the lot line of undeveloped land zoned as a Residential District.

# Restaurant, Fast Food.

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a "standard restaurant".
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for an "auditorium" shall be met.

## Restaurant, Standard.

A. An establishment that serves ready-to-consume food or drink for compensation in which the majority of the customers order their food while seated inside a building from a waiter or waitress and then the food is delivered to their table and consumed at the table.

- B. A standard restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met.
- C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for an "auditorium" shall be met.

<u>Retail Store</u>. 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 restaurant.

Retirement Village. A residential development limited exclusively to persons aged 55 years and older and their spouses.

<u>Right-of-Way.</u> Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

<u>Right-of-Way</u>, <u>Existing or Legal</u>. The line separating a lot from the established official street right-of-way that will be owned by the Borough or the Commonwealth after the completion of any proposed subdivision, land development or development of a use under this Ordinance.

<u>Right-of-Way</u>. Future. Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. See Section 805. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

<u>Sanitary Landfill.</u> A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

<u>Satellite Antenna.</u> A ground-based reflector, usually parabolic in shape, intended to receive electronic signals from a satellite. This shall also include any pedestal or attached structure.

<u>School, Public or Private Primary or Secondary School.</u> An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or State-funded educational programs.

Screening. A year-round vegetative material of substantial height and density designed to buffer two uses from each other. See requirements in Section 803.D.

<u>Self-Storage Development</u>. 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.

<u>Septage</u>. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DER regulations.

#### Setback Line.

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent 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.
- B. 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 Section 803.B.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. <u>Private Streets</u>. For a building setback measured from a private street, the setback shall be measured from the 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.

<u>Sewage Disposal System.</u> A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.

- A. <u>Public Sewer Service</u>. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a governmental agency or municipal authority.
- B. <u>On-Lot or Non-Public Sewer Service</u>. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "public sewer service."

Sewage Sludge or "Sludge". The treated, conditioned digested accumulated settled solids deposited as a result of sewage treatment processes that occur within the requirements of a State or Federal environmental pollution or on-lot septic system permit. This shall only include substances adequately stabilized so that they are suitable for land application.

<u>Shopping Center.</u> A use combining 4 or more retail or personal service uses. Such a use may also include offices.

<u>Sight Distance.</u> An area required to be kept free of visual obstruction. See Section 803.

<u>Sign.</u> Any 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 Sections 711 and 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. See Section 711.

<u>Sign, Off-Premise.</u> 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. See also "Billboard".

Site Plan Review. Review of a site plan by the Planning Commission and/or the Borough Council that is required for certain uses under Section 121.

Slaughter House. A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom "butcher shop" that does not involve killing of animals (which is a retail sales use).

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

<u>Sludge or Septage Application</u>. The application of sewage sludge and/or septage to land for its plant nutrient value or as a soil conditioner.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to the Tatamy Borough Council.

#### Solid Waste.

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
- B. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

# Solid Waste Disposal Facility.

- A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.
- B. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see the definitions of each of these terms in Title 25 of PA. DER regulations.

Solid Waste Transfer Facility. A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see the definitions of each of these terms in Title 25 of PA. DER regulations.

<u>Special Exception.</u> A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 119.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in an obvious state of sexual stimulation,
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy,
- C. Fondling or other erotic touching of human genitals.

<u>Stable, Nonhousehold.</u> Any housing of more than 2 horses. This may include a commercial or private riding club. The housing of 1 or 2 horses shall be considered an accessory use under the "Keeping of Pets" (see Section 403).

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania State Municipalities Planning Code, Act 247 of 1968, as amended.

Story (and Half-Story). A level of a building accessible to humans having an average vertical clearance 6 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 of less than 6 feet shall be considered a "half-story."

<u>Street.</u> A public or private thoroughfare which affords principal means of access to abutting properties 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.

<u>Street Center Line.</u> The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

<u>Street Classification</u>. The functional classification of streets into the following types, as shown on the official Street Classification Map at the end of this Ordinance for existing streets and as determined by the Borough Engineer for future streets:

- A. Expressway. A limited access street on which access is provided only at interchanges.
- B. <u>Arterial</u>. A street whose function is to provide for the movement of high volumes of through-traffic and direct access to abutting properties; subject to necessary control of entrances, exits and curb use.
- C. <u>Collector</u>. A street which provides for the movement of moderate volumes of traffic between arterials and local roads and direct access to abutting property.
- D. <u>Local</u>. A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

Street, Proposed. A street which is planned or approved, but not yet open to traffic.

<u>Structure</u>. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

 $\underline{\text{Subdivision.}}$  See the definition in the Borough Subdivision and Land Development Ordinance.

<u>Subdivision Ordinance.</u> The Tatamy Borough Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 18 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 18 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also the provisions for "Recreational Facilities" limited to use by employees of a use or residents of a development as an accessory use, which may include a swimming pool, at the end of Section 306.

<u>Tavern.</u> A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur. See also the definitions of restaurants and auditoriums.

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.

Theater, Outdoor Drive-In. An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

<u>Tire Storage</u>, <u>Bulk</u>. The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

<u>Townhouse.</u> See "Dwelling Types."

<u>Tract.</u> In certain Districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the Borough that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. shall only include lands within an approved preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract and
- B. shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

<u>Trade School.</u> A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

<u>Truck Terminal</u>. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from and reloaded onto tractor-trailer trucks.

- A. A use that primarily involves loading materials from tractor-trailers onto smaller trucks or smaller trucks onto tractor-trailers shall be considered a "distribution" use.
- B. A truck terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal and rest facilities for drivers of trucks using the terminal.

<u>Use.</u> 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 building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

<u>Variance</u>. 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 the Zoning Ordinance. Any variance shall be only be granted within the limitations of the State Municipalities Planning Code.

<u>Veterinarian Office</u>. A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of "Small Animals" includes only small domestic animals, including but not limited to dogs, cats, rabbits, birds or fowl. Treatment of "Large Animals" includes all types of animals including horses, cows and pigs. The housing primarily of healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence".

<u>Warehouse</u>. 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.

<u>Water System</u>. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Borough.

- A. <u>Public Water Service</u>. Service by a central water system that is owned and operated by a Municipal Authority or a water company with a service area defined by the State Public Utility Commission which transmits water from a common source to more than 50 dwellings or principal uses.
- B. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "public water service". In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

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.

(NOTE: As of 1990, the following was the official U.S. Army Corps of Engineers definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1990, the regulations are enforced by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the PA. Department of Environmental Resources.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

<u>Wildlife Sanctuary.</u> A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

<u>Yard.</u> An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

<u>Yard, Front.</u> A yard between the front lot line (which usually is the future street right-of-way line) and the closest portion of the subject structure or use and that extends the full width of the lot and from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto 2 or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.

Yard, Rear. A yard extending the full-width of the lot and situated between the rear line and the closest portion of the subject building, and stretching between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.

Yard, Side. A yard situated between the closest portion of the subject building and the entire length of the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.

Zoning Map. The Official Zoning Map of Tatamy Borough, Northampton County, Pennsylvania.

Zoning Officer. The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

Zoning Ordinance. The Tatamy Borough Zoning Ordinance, as amended.

# ARTICLE III DISTRICTS

#### 301. DISTRICTS DESIGNATED.

A. For the purpose of this Ordinance, the Borough of Tatamy is hereby divided into the following types of zoning districts:

LDR Low Density Residential District

MLDR Medium Low Density Residential District

MDR Medium Density Residential District

C Commercial District

LI Light Industrial District

CR Conservation and Recreation District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map."
- C. <u>Terms</u>. Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.
- D. <u>Floodplain</u>. The Floodplain Area, as defined by the Borough Floodplain Ordinance, shall serve as an overlay area to all of the underlying Districts. The documents and mapping referenced by the Borough's Floodplain Ordinance, as amended, are hereby included in this Ordinance by reference.

# 302. APPLICATION OF DISTRICT REGULATIONS.

- A. Unless otherwise provided by law or specifically in this Ordinance (including Section 105.B.), no land or building or structure shall be used or occupied except for a use specifically listed in this Ordinance as permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- C. No building, structure, or land shall hereafter be erected, used, constructed, reconstructed, moved, or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

E. Any territory which may hereafter be annexed to the Borough shall be classified as the zoning district of the Borough most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

### 303. ZONING MAP.

- A. A map entitled, "Tatamy Borough Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance.
- B. The Official Zoning Map shall bear the adoption date of this Ordinance and the words "Official Zoning Map."
- C. Changes of any nature to the Official Zoning Map shall only be made in conformity with the amendment procedures set forth in this Ordinance. All changes should be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Borough Office and shall be the final authority on boundaries and districts.
- E. 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
  - The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof, unless the amendment has been duly advertised and adopted.
  - 3. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
- 304. <u>DISTRICT BOUNDARIES</u>. Where uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply:
  - A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-ways, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the 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. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.
- D. Interpretation of Boundaries. See Section 105.D.

# 305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- C. These same setback and buffer yard provisions shall be provided for uses proposed within Tatamy Borough if an abutting existing residence or abutting principally residential zoning district is located in an abutting municipality.

# 306. TABLE OF PERMITTED USES BY DISTRICT

A. Only the following uses shall be permitted as follows in each respective zoning district and within all other requirements of this Ordinance:

#### Notes:

- P = Permitted by right (decision by Zoning Officer)
- C = Conditional use (decision by Borough Council with review by Planning Commission)
- SE = Special exception use (decision by Zoning Hearing Board with review by Planning Commission)
- N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403
- (SW) = Public sewer & central water service both required (except as may be permitted with capped sewers by other sections of this ordinance).

P P P P	P P P P P	P N N N N	R-1 P N P P C	R-2 P N P C	R-3 P N P P C
P N P P	P P P P	N N N P N	N P P C	N P P C	N P P C
P N P P	P P P P	N N N P N	N P P C	N P P C	N P P C
P N P P	P P P P	N N P N	N P P C	N P P C	N P P C
P P P	P P P	N P N	P P C	P P C	P P C
P P P	P P P	N P N	P P C	P P C	P P C
P P	P P	P N	P C	P C	P C
P	P	N	С	С	С
	-			-	
P	P	N	N	N	N
P	Р	N	N	N	1/1
					1/
		••		17	NT.
N	С	N	N	N	N
N	N	P	P	P	P
N	N	N	N	P	P
14	11	-			
N	N	N	N	N	F
				N	F
			N	N	P
21					
C	N	N	N	N	N
		P	P	P	I
-	<del>-</del>				
P	N	N	N	N	3
	N N N C P	N N N N N N N N N N N N N N	N N P N N N N N N N N N N N N N N N N N N P N P	N N P P N N N N N N N N N N N N N N N N	N N P P P N N N N P N N N N N N N N N N

TYPES OF USES (See definitions in Article II)		INESS ZONING DISTRICTS	RESIDENTIAL ZONING DISTRICTS				
	C	LI	CR	R-1	R-2	R-3	
COMMERCIAL USES:							
Adult Bookstore, Adult Movie Theater, Cabaret or Massage Parlor (S. 402)	N	С	N	N	N	N	
Airport (S. 402)	N	N	N	N	N	N	
Amusement Park	N	P	N	N	N	Ŋ	
Auditorium, Commercial (S. 402)	P	P	N	N	N	N	
Auto Repair Garage (S. 402)	С	<b>N</b> .	N	N	N	N	
Auto Service Station - not primarily intended to service tractor-trailer trucks (S. 402)	С	N	N	N	N	N	
Auto Service Station - primarily intended to service tractor-trailer	N	N	N	N	N	N	
trucks (S. 402) Auto, Boat or Mobile/	P	N	N	N	N	N	
Manufactured Home Sales (S. 402)							
Bakery	P	P	N	N	N	N	
Bed and Breakfast Use (S. 402)	P	P	N	N	N	N	
Betting Use	N	С	N	N	N	N	
Beverage Distributor	P	N	N	N	N	N	
Business Services	P	P	N	N	N	N	
Bus Terminal (S. 402)	P	P	N	N	N	N	
Campground (S. 402)	P	N	N	N	N	N	
Car Wash (SW) (S. 402)	P	N	N	N	N	N	
Commercial Outdoor Recreation (includes miniature golf course)	P	N	N	N	N	N	
Commercial Indoor Recreation (includes bowling alley, roller or ice skating, driving range and closely similar uses)	P	N	N	N	N	N	
Conference Center	P	P	N	N	N	И	
Construction Company Headquarters or Storage	P	N	N	N	N	N	
Convenience Store	P	N	N	N	N	N	
Communications Tower, Commercial (S. 402)		P	N	N	N	И	
Crafts or Artisan's Studio	P	N	N	N	N	N	
Exercise Club	P	P .	N	N	N	N	
Financial Institution (S. 402)	P	P	N	N	N	N	
Flea Market	P	V.	N	N	N	N	
Frea market Funeral Home (1.5 acre minimum lot area required)	P	<u>]v</u>	Ŋ	N	lī	Ħ	

TYPES OF USES (See definitions in	BUSINESS ZONING DISTRICTS		RESIDENTIAL ZONING DISTRICTS					
Article II)								
(S. 402- See additional requirements in Section 402)	С	LI	CR	R-1	R-2	R-3		
	<del>, , , , , , , , , , , , , , , , , , , </del>							
COMMERCIAL USES: (Continued)	17	C	NT	NT	Ŋ	N		
Heliport (S. 402)	N	C	N	N N		N		
Kennel (S. 402)	N	P	N	N	N P	F		
Laundry/Laundromat (other than for use only by tenants) (SW)	P	N	P	P 	_			
Lumber Yard	P	P	N	N	N	N		
Medical Office or Clinic								
- Limited to 1 physician or	P	P	N	N	SE	<i>I</i> .		
dentist on a lot abutting								
an arterial street								
- Other Medical Office or	P	P	N	N	N	Ŋ		
Clinic								
Motel or Hotel (S. 402)	P	P	N	N	N	Ŋ		
Office	P	.P	N	N	N	I		
Personal Services	P	N	N .	N	N	1		
(includes tailoring, custom								
dressmaking, haircutting/								
styling, drycleaning, shoe								
repair and closely similar uses)								
Plant Nursery not including	P	P	P	P	P	I		
Retail Sale of Items								
Not Primarily Grown on the								
Premises (S. 402)								
Plant Nursery including Retail	P	P	N	N	N	Ì		
Sale of Items Not Primarily								
Grown on the Premises (S. 402)								
Race Track, Commercial (S. 402)	N	N	N	N	N	1		
Restaurant, Fast-Food (SW)	P	N	N	N	N	ì		
(including a use primarily								
involving delivery of								
ready-to-eat food) (S. 402)								
Restaurant, Standard (SW)	P	N	N	N	N	1		
Retail Store (not including	P	N	N	N	N	1		
uses listed individually in this table)								
Stable, Nonhousehold (S. 402)	N	P	P	N	N	1		
	N	P	N	N	N	1		
Target Range, Completely Indoor and Enclosed	14	*	41	•1		•		
Target Range, Not Completely Indoor	N	С	N	N	N	Î		
and Enclosed (S. 402)	Р	N	N	N	N	1		
Taxi Terminal	T.	1.1	11	11	1.1			

TYPES OF USES (See definitions in Article II)	BU	SINESS ZONING DISTRICTS	RES	IDENTIA DISTR		NING
(S. 402- See additional requirements in Section 402)	С	LI	CR	R-1	R-2	R-3
COMMERCIAL USES (Continued);						
Tavern	С	N	N	N	N	N
Theater, Indoor	P	N	N	N	N	N
Theater, Outdoor Movie (S. 402)	N	P	N	N	N	N
Trade School	P	N	N	N	N	N
Veterinarian Office	P	N	N	N	N	N
INDUSTRIAL USES:						
Assembly and Packaging of Materials Produced Elsewhere or that are permitted to be manufactured on-site	N	P	N	N	N	N
Asphalt Plant	N	N	N	N	N	N
Beverage Bottling (SW)	N	P	N	N	N	N
Building Supply Sales	P	P	N	N	N	N
Cement Plant	N	N	N	N	N	N
Distribution (other than Truck Terminal)	N	P	N	N	N	N
Finishing of Previously Prepared Resin, Vinyl, Polymer or Rubber Products	N	P	N	N	N	N
Industrial Equipment Sales and Rental, other than vehicles primarily intended to be operated on public streets	P	P	N .	N	N	N
Junk, outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N
Junk Yard (S. 402)	N	С	N	N	N	N
Liquid Fuel Storage, Bulk	N	N	N	N	N	N
,	~ '	**	٨,	4.1	7.1	11

#### Notes:

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C = Conditional use (decision by Borough Council with review by Planning Commission)

SE = Special exception use (decision by Zoning Hearing Board with review by Planning Commission)

N = Not Permitted

<sup>(</sup>S. 402) = See Additional Requirements in Section 402

<sup>(</sup>S. 403) = See Additional Requirements in Section 403

<sup>(</sup>SW) = Public sewer & central water service both required (except as may be permitted with capped sewers by other sections of this ordinance).

TYPES OF USES See definitions in		INESS ZONING DISTRICTS	RESI	DENTIA DISTR		NING
Article II)						
S. 402) - See additional requirements in Section 402	С	LI	CR	R-1	R-2	R-3
NDUSTRIAL USES (continued):						
anufacture and/or bulk processing of: - Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	
- Animal Feed, Bulk Manufacture for Off-Site Use	N	С	N	N	N	
- Apparel, Textiles, Shoes and Apparel Accessories	N	P	N	N	N	
- Cement, Gypsum, Concrete or Plaster Products	N	N	N	N	N	
- Ceramics Products	N	P	N	N	N	
- Chemicals, Bulk Manufacture or Bulk Storage of Hazardous or Toxic	Ŋ	N	N	N	N	
Chemicals, including not limited to the following acids: hydrochloric, nitric, picric, sulfuric, sulphanous						
or carbolic	17	27	17	37	17	
- Chemical Products that are not hazardous or toxic, other than fertilizers or pesticides	N	N	N	N	N	
- Coke or Potash Work, including Coke Oven	N	N	N	N	N	
- Creosote, including Treatment with	N	N	N	N	N	
- Electrical and Electronic Machines, Supplies and Equipment	P	P	N	N	N	
- Explosives, Fireworks, Ammunition or Gunpowder, including bulk storage (except government-owned facility)	N	N	N	N	N	
- Fabricated Metal Products (except Amunition or Explosives)	N	N	N	N	N	
<ul> <li>Food Products (not including uses listed individually in this table) (SW)</li> </ul>	N	P	N	N	N	
- Furniture and Wood Products (not including raw paper pulp)	N	P	N	N	N	
- Glass and Glass Products	N	P	N	N	N	
<ul> <li>Incineration, Reduction, Distillation Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than wi</li> </ul>		N	N	N	Ŋ	
an appoved solid waste facility)						
- Jewelry and Optical Goods	P	P	N	N	N	

TYPES OF USES (See definitions in	BU	SINESS ZONING DISTRICTS	RES	IDENTIA DISTR		NING
Article II) (S. 402) - See additional requirements in Section 402	C	LI	CR	R-1	R-2	R-3
INDUSTRIAL USES (Continued):			, <u>, , , , , , , , , , , , , , , , , , </u>			····
Manufacture and/or bulk processing of:						
- Leather, Clay and Pottery Products	P	P	N	N	N	3
- Manufactured or Modular Housing	N	P	N	N	N	1
- Metal Products, Primary	N	N	N	N	N	1
- Microelectronic Components	P	P	N	N	N	]
- Oilcloth	N	N	N	N	N	1
- Paper and Cardboard Products (not	N	P	Ŋ	N	N	1
including manufacture of paper pulp		*	11	11	14	1
- Paper, Raw or Paper Pulp	N	N	N	N	N	í
- Paving or Roofing Materials,	N	N	N	N	N	1
including asphalt			2,	11	٠,	_
- Petroleum or Kerosene Refining or	N	N	N	N	N	N
Distillation			• '	4.1	41	
- Pharmaceuticals	N	P	N	N	N	N
- Plastics, Polymers, Resins or Vinyl	N	И	N	N	N	1
- Products from Previously	N	P	N	N	N	N
Produced Materials, such as	2.	-		Δ1	11	
glass, leather, cellophane,						
textiles, rubber or synthetic rubber	r					
- Rubber, Natural or Synthetic	N	N	N	N	N	N
- Scientific, Electronic	P	P	N	N	N	N
and Other Precision Instruments	•	-	41	7.4	7.4	14
- Stockyard, Slaughterhouse or Bulk	N	N	N	N	N	N
Meatpacking Plant			-1	7.	2.1	7.4
- Soaps, Detergents, Paints,	N .	N	N	N	N	N
Varnishes or Enamels	•1	1,	11	11	14	14
- Tar, including tar distillation	N	N	N	Ŋ	N	N
- Tire Retreading	N	N	N	N		
- Transportation Equipment	N	P	N	N	N	N
neral Extraction (S. 402)	N	C	N	N	N	N
nckaging	P	P	N		N	N
ckage Delivery Services Distribution	N	P		N	N	N
Genter	TA	r	N	N	N	N
oto Processing, Bulk	P		a.T	3.7	3.7	
inting or Bookbinding		P	N	N	N	N
cycling Collection Center (S. 402)	N ·	P	N	N	N	N
cycling Center, Bulk	P	P	N	С	C	C
	P	P	V.	N	N	N
search, Engineering or Testing Facility or Laboratory	N	È,	$N_{\perp}$	N	N	N
nitary Landfill (S. 402)	N	$\mathbf{K}$	N	$V_{d}$	N	$V_i$

TYPES OF USES (See definitions in Article II)		INESS ZONING DISTRICTS	RESIDENTIAL ZONING DISTRICTS			
(S. 402) - See additional requirements in Section 402	C	LI	CR	R-1	R-2	R-3
<pre>INDUSTRIAL USES (Continued):</pre>						
Sawmill/ Planing Mill	N	P	N	N	N	N
Self-Storage Development (S. 402)	P	N	N	N	N	N
Slaughterhouse or Stockyard (S. 402)	Ñ	N	N	N	N	N
Solid Waste to Energy Plant (S. 402)	N	N	N	N	N	N
Solid Waste Transfer Facility (S. 402)	N	C	N	N	N	N
Truck Terminal (S. 402)	N	N	N	N	N	N
Warehousing (other than truck terminal) (S. 402)	N	P	N	N	N	N
Wastewater Treatment Plant, Central serving uses off the tract	N	С	N	N	N	N
Welding	N	P	N	N	N	N
Wholesale Sales	P	P	N	N	N	N
Other Industrial Uses Not Listed Above (Except as Provided for in Section 105)	N	N	N	N	N	N
All Uses that would have a serious threat of being unable to comply with the performance standards of this ordinance, especially including the "Environmental Protection" requirements	N	N	И	N	N	N

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N = Not Permitted

<sup>(</sup>S. 402) = See Additional Requirements in Section 402

<sup>(</sup>S. 403) = See Additional Requirements in Section 403

<sup>(</sup>SW) = Public sewer & central water service both required (except as may be permitted with capped sewers by other sections of this ordinance).

TYPES OF USES (See definitions in	BUS	SINESS ZONING DISTRICTS	RES	RESIDENTIAL ZONING DISTRICTS			
Article II) (S. 402) - See Additional Requirements in Section 402	C	LI	CR	R-1	R-2	R-3	
INSTITUTIONAL:						· · · · · · · · · · · · · · · · · · ·	
Animal Cemetery (S. 402)	N	P	N	N	N	N	
Cemetery without Cremetorium	P	P	P	P	P	F	
Cremetorium	N	C	N	N	N	N	
College or University - Educational	P	P	N	N	N	N	
and Support Buildings	+	•	•.		-,	_	
College, University or Primary	С	С	N	N	N	N	
	C	U	14	14	. 14	1,	
or Secondary School - Dormitory	P	P	P	N	N	N	
Community Center							
Criminal Treatment Center	N	C	И	N	N	N	
Cultural Center or Museum	P	P	P	N	N	N	
Day Care Center, Adult (S. 402)	P	P	N	N	N	P	
Day Care Center/ Child Nursery (S. 402)	P	P	N	D**	P**	P	
(See also as accessory use)							
** Provided that the lot is adjace	nt to	an arterial	street				
Golf Course (S. 402)	P	P	P	P	P	P	
Hospital (S. 402)	P	P	N	N	N	N	
Membership Club	P	P	P	N	N	N	
Nursing Home or Personal Care Center (SW)	_	P	N	N	N	P	
(S. 402)	, -	4	Δ,	•,		. •	
	P	P	P	P	P	P	
Place of Worship (S. 402)	P	P			_		
Picnic Grove, Private (S. 402)			P	N	N	N	
School, Public or Private,	$\mathbf{P}$	N	P	P	P	P	
Primary or Secondary (SW) (S. 402)							
PUBLIC/SEMI-PUBLIC:							
Borough-Owned Uses	P	P	Р	P	P	Р	
Emergency Services Station	P	P	P	P	P	P	
Nature Preserve	P	P	P	P	P	P	
Publicly-Owned Recreation	P	P	P	P	P	P	
· · · · · · · · · · · · · · · · · · ·	P	P				N	
Public Utility Facility	r	r	N	N	N	IN	
(Facilities Not Exempted by							
Section 103 or as "Essential							
Services")							
Swimming Pool, Nonhousehold (S. 402)	P	P	P	P	P	P	
	P	P	P	P	P	P	

TYPES OF USES (See definitions in Article II)	BUS	SINESS ZONII DISTRICTS		RESIDENTIAL ZONING DISTRICTS			
(S. 402) - See Additional Requirements in Section 402	С	LI	CR	R-1.	R-2	R-3	
ACCESSORY USES:							
Accessory Apartment, One, Within an Existing Single-Family Detached Dwelling or Single-Family Semi-Detached	P	Р	N	N	P	P	
Dwelling (Twin Dwelling) (S. 403)  Day Care Center accessory to a Place of Worship, provided there is a minimum lot area of 2 acres	P	Р	P	P	P	P	
Heliport (S. 402)	N	С	N	N	N	N	
Home Occupation (S. 403)	SE	SE	SE	SE	SE	SE	
Home Office (S. 403)	P	P	P	P	P	P	
Outdoor Storage Accessory to a Permitted Industrial Use	N	P	N	N	N	N	
Outdoor Storage or Display Accessory to a Permitted Commercial Use (other than what is customary for a permitted plant nursery)	P	P	N	N	N	N	
Retail Sales and/or Personal Services Limited to 5% of the Floor Area of an Industrial or Office Use	P	P	N	N	N	N	
See list of additional accessory uses in	the	following s	sections.	-			

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- SE = Special exception use (decision by Zoning Hearing Board with review by Planning Commission)
- N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403
- (SW) = Public sewer & central water service both required (except as may be permitted with capped sewers by other sections of this ordinance).

- B. <u>Permitted Accessory Uses in All Districts</u>. The following accessory uses are permitted by right as accessory uses to a permitted by right, special exception or conditional principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:
  - 1. Air Conditioning Equipment, other than central equipment for a commercial or industrial use
  - 2. Amateur Radio Antennae
  - 3. Basketball backboard, which may be within a required setback area, provided it is a minimum of 2 feet from any lot line
  - 4. Crop Storage as an Accessory Use to Crop Farming
  - 5. Day Care Center as an accessory use, within the limits on number of children in Section 403 \*
  - 6. Fence or Wall\*
  - 7. Flag Pole
  - 8. Garage, Household
  - 9. Garage Sale\*
  - 10. Home Gardening
  - 11. Indoor Storage that is customarily accessory to a permitted use
  - 12. Keeping of Pets\*
  - 13. Loading, Off-Street, only to serve a use that is permitted in that district
  - 14. Parking, Off-Street, only to serve a use that is permitted in that district
  - 15. Recreational Facilities limited to use by employees of a lot or a development and their occasional guests
  - 16. Recreational Facilities limited to use by residents of a development and their occasional invited guests
  - 17. Recycling Collection Center as an accessory use
  - 18. Recreational Vehicle, Storage of One or Two\*
  - 19. Residential accessory structure (see definition in Article II)\*
  - 20. Satellite Antennae\*
  - 21. Signs, as permitted by Article VII
  - 22. Solar Energy System
  - 23. Stable, Household\*
  - 24. Swimming Pool, Household
  - 25. Tennis/ Raquetball Court
  - 26. Volleyball Court
  - 27. Windmill
  - 28. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use

<sup>\*</sup> See standard for each in Section 403.D.

- C. <u>Permitted Accessory Uses to Business and Institutional Uses.</u> The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this ordinance are met:
  - 1. Amusement machines, coin or token operated
  - 2. Food, beverage and toy machines, coin operated
  - 3. Newspaper sales machines, coin operated
  - 4. Telephones, coin operated
  - 5. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use:
    - a. Standard or fast-food restaurant without drive-thru service.
    - b. Day care center, or
    - c. Noncommercial recreational facilities.
- D. The following are "Essential Services" that are permitted by right as a principal or as an accessory use in all districts:
  - 1. The following essential services are not required to meet the accessory or principal setback, lot area or other lot requirements of this Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.
    - a. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
    - b. Electrical transformers as an accessory use to dwellings.
    - c. Electrical, telephone and street light poles.
    - d. Electrical transmission and distribution lines and meters.
    - e. Wells, standpipes, water transmission lines, cisterns and meters.
    - f. Sewage pumping stations, but not including a central sewage treatment plant, provided that such use be setback a minimum of 75 feet from any dwelling or any residential lot line.
    - g. Cable television and telephone lines.
    - h. Storm water pipes, outfalls, detention basins, swales and catchbasins.
    - i. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premise signs.
    - j. U.S. mailboxes.
    - k. Boxes for receiving individual newspapers.
    - 1. Railroad lines.
    - m. Fire hydrants and emergency callboxes.
    - n. Engineered retaining walls that are clearly necessary to hold back slopes.
    - o. Sidewalks and curbs.

- p. Residential driveways.
- q. Ramps primarily intended for handicapped access.
- r. Ground level porches that are not covered by a permanent roof.
- s. Steps leading into the entrance of a building.
- t. On-lot septic disposal systems.
- u. Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to.
- 2. The following are permitted essential services and are required (except within Section 106) to meet all of the applicable requirements of this Ordinance:
  - a. Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings.
    - (1) Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of Section 803 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.
  - b. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.
  - c. Emergency and other electrical generators and compressors.
  - d. Solid waste bulk dumpsters and bulk compactors.
  - e. Telephone switching stations.
  - f. Industrial or commercial central air conditioning equipment.
  - g. Central sewage treatment facility meeting all PA. DER and Borough regulations

# 307. TABLE OF LOT AND SETBACK REQUIREMENTS BY DISTRICT

A. The following lot and setback requirements shall apply for each respective district, unless a more restrictive requirement is listed for a particular use in Article V or elsewhere in this Ordinance.

LOT AND SETBACK REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS			
(See definitions of terms				
in Article II)	CR	R-1		
Minimum Lot Area (sq. feet):   (per dwelling unit for   residential uses) - Single Family Detached Dwelling	130,000	12 000		
With Public Sewer & Central Water Service - Single Family Detached Dwelling	130,000	12,000		
Without Both Public Sewer & Central Water Service	130,000	38,000		
- Single Family Detached Dwelling With Central Water Service and Capped Sewers acceptable to the Tatamy Borough Sewer Authority and with certification by such Authority that the dwelling can reasonably be expected to be connected to a public sewage system within 3 years of final subdivision approval	130,000	12,000		
- Other Permitted Uses	130,000	38,000		
Minimum Lot Width at the Minimum Front Yard				
Building Setback Line (feet):	200	80, except 150 for lots required to have a minimum lot area of 38,000 sq. feet or more		
Minimum Lot Width at the Street Right-of-Way Line (after development) (feet): - For a Lot Granted Final Approval After the Adoption of this Ordinance that Will Have Direct Traffic Access	120	120		
Onto an Arterial Street - For any Other Lot	25	25		
Minimum Width and Length of a Dwelling (f	eet): 16	16		

LOT AND SETBACK REQUIREMENTS (See definitions of terms	RESIDENTIAL ZONING DISTRICTS			
in Article II)	CR	R-1		
Minimum Building Setback for				
Principal Structure (feet):				
- Front Yard	30	30		
- Side Yard - each side	8	8		
- Side Yard - two combined	20	20		
- Rear Yard	35	35		
- For Yards Adjacent to a	30	30		
Public Street (other than an alley)				
- For Residential Buildings abutting an industrially zoned area	60	60		
Minimum Building Setback for Accessory Structures (feet):				
- Front Yard	Not permitted in specifically permitt	required front yard, ed by this ordinance		
- Side Yard	<b>J</b> 1	<b>J</b>		
<ul> <li>Adjacent to a Public Street (other than an alley)</li> </ul>	30	30		
- Other Side Yard	5	5		
- Rear Yard	5	5		
Maximum Height (feet)	35	35		
Maximum Number of Stories	2.5	2.5		
Maximum Building Coverage	10%	25%		
Maximum Impervious Coverage	20%	50%		

LOT AND SETBACK REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS				
(See definitions of terms					
in Article II)	R-2	R - 3*			
Minimum Lot Area (sq. feet) for use					
other than places of worship, townhouses	<b>5</b> ,				
garden apartments and manufactured					
home parks: (per dwelling unit for					
residential uses)					
- Permitted Dwelling With Public Sewer & Central Water Service					
- Single family detached dwelling	7,800	7,800			
<ul> <li>Single family semi-detached dwelling (half of a twin)</li> </ul>	7,000	6,000			
- Single Family Detached Dwelling					
Without Both Public Sewer	38,000	38,000			
& Central Water Service					
- Permitted Dwelling With Central Water					
Service and Capped Sewers acceptable to	)				
the Tatamy Borough Sewer Authority and					
with certification by such Authority					
that the dwelling can reasonably be					
expected to be connected to a public					
sewage system within 3 years of final subdivision approval					
- Single family detached dwelling	12,000	12,000			
- Single family semi-detached dwelling	12,000	12,000			
(half of a twin)	12,000	12,000			
Other Permitted Uses	38,000	38,000			
finimum Lot Width at the					
Minimum Front Yard Building					
Setback Line (feet) for uses other					
than townhouses, garden apartments and					
manufactured home parks (per dwelling					
unit for residential uses):	e -				
- Single family detached dwelling	65	. 65			
with public sewer or approved capped					
sewer and public water	,	,			
- Single family semi-detached dwelling	45	45			
(half of a twin)	4.50	<b>4</b> = -			
- Other Permitted Principal Uses	150	150			

<sup>\*</sup> For townhouses, garden apartments and mobile/manufactured home parks, see also the specific standards in Section 402.

LOT AND SETBACK REQUIREMENTS	RESIDENTIAL ZON	NING DISTRICTS
(See definitions of terms		
in Article II)	R-2	R-3*
Minimum Lot Width at the		
Street Right-of-Way Line		
(after development) for uses other t	han	
townhouses and individual spaces wit	hin	
a manufactured home park (feet):		
- For a Lot Granted Final Approval	120	120
After the Adoption of this Ordinanc	e	1.20
that Will Have Direct Traffic Acces	S	
Onto an Arterial Street		
- For any Other Lot	25	25
dinimum Building Setback for		
Principal Structures for uses other	than	
a manufactured home park (feet):		
Front Yard	30	30
Side Yard - each side **	8	8
Side Yard - two combined **	1.8	18
Rear Yard	25	25
For Yards Adjacent to a	30	30
Public Street (other than an alley)		
For Residential Buildings abutting an industrially zoned area	60	60
inimum Building Setback for		
Accessory Structures (feet) for uses than a manufactured home park:	other	
Front Yard	Not permitted in	required front yard,
unless sp	ecifically permitt	ed by this ordinance
- Adjacent to a Public Street	20	0.0
(other than an alley)	30	30
- Other Side Yard**	_	_
Rear Yard	5 r	5
	5	5
nimum Width and Length of a Dwelling (:	feet): 16	
ximum Height (feet)	35	35
ximum Number of Stories	2.5	2.5
ximum Building Coverage ximum Impervious Goverage	35%	40%

<sup>\*</sup> For townhouses, garden apartments and mobile/manufactured home parks, see also the specific standards in Section 402.

<sup>\*\*</sup> Except 0 feet along lot lines where dwellings are attached.

LOT AND SETBACK REQUIREMENTS	BUSINESS ZONING DI	STRICTS
(See definitions of terms in Article II)	С	LI
Minimum Lot Area (sq. feet):		87,000, except for 43,560 for a lot permanently deed restricted to non-industrial uses
Minimum Lot Width at the Minimum Front Yard		
Building Setback Line (feet):	150	200
Minimum Lot Width at the Street Right-of-Way Line (after development) (feet): - For a Lot Granted Final Approval After the Adoption of this Ordinance that Will Have Direct Traffic Access	250	250
Onto an Arterial Street - For any Other Lot	25	25
Minimum Building Setback for Both Principal and Accessory Structures (fee - Front Yard	t):  60 feet, exc 35 feet if there w be not vehicular p in the area betwee building and the f lot line	vill parking on the
- Side Yard - each side	10	10
- Rear Yard	20	20
<ul> <li>For Yards Adjacent to a         Public Street (other than an alley)</li> <li>From an abutting residential district         boundary or from an existing principal         residential building:</li> </ul>	50 ly	50
<ul> <li>For a non-industrial use (including office portions of an industrial building)</li> </ul>	60	60
- For an industrial use or an area routinely used for the movement, parking, storage or loading/ unloading of tractor-trailer trucks or refrigerated trucks	175**	175**

LOT AND SETBACK REQUIREMENTS	BUSINESS ZONING DISTRICTS			
(See definitions of terms in Article II)	C	LI		
Maximum Height (feet)	40	40		
Maximum Number of Stories	2.5	2.5		
Maximum Building Coverage Maximum Impervious Coverage	40%	40%		
- With Public Sewage Service	75 <b>%</b>	75%		
- Without Public Sewage Service	60%	60%		

- \*\* This setback may be reduced to 120 feet if an earthern berm meeting the following standards is provided by the business use abutting the residential use or district:
  - The berm shall have a minimum average height of 5 feet above the average finished ground level (disregarding drainage channels) on the outside of the berm. The berm may vary in height as long as the minimum average height is met.
  - Any evergreen screening required by Section 803 shall be provided on the top or on the residential side of the berm.
  - Any chain link fencing shall be provided on the inside of the berm.
  - The berm shall have a maximum side slope of 3 horizontal to 1 vertical.
  - The berm shall be maintained with an all-season natural ground cover.
    - B. See Additional Requirements in the Following Sections:
      - 1. Regulations of Each Zoning District
      - 2. Regulations for Specific Types of Uses in Article IV
      - 3. Off-Street Parking Requirements in Article VI (including paved area setbacks in Section 603)
      - 4. Sign Requirements in Article VII
      - 5. Buffer Yard Requirements of Section 803

### 308. PURPOSE OF EACH DISTRICT

A. LDR DISTRICT - To provide for the orderly expansion of areas that offer neighborhoods of single family detached houses at a low density. To carefully protect these areas from uses that may not be fully compatible.

- B. MLDR DISTRICT To provide for the orderly expansion of areas that offer residential neighborhoods at a medium low density. To carefully control the types of housing to ensure compatibility with existing houses. To carefully protect these areas from uses that may not be fully compatible. To strongly encourage these lands to be developed only after such time as both public sewer and public water service is available.
- C. MDR DISTRICT To provide for a variety of carefully-designed housing types at medium densities. To make sure that varied housing types are compatible with any existing single family detached houses. To make sure that the street system of the Borough and other community facilities and services are fully able to handle moderately dense growth in an area. To work to encourage affordable housing, especially for young families and senior citizens. To encourage these areas to be developed for townhouses and apartments only after both public water and public sewer service is available.
- D. C DISTRICT To provide for a wide range of needed commercial uses in locations that are less likely to involve conflicts with existing residences. To use special care and control on access onto arterial and collector streets to avoid traffic hazards.
- E. LI DISTRICT- To provide sufficient space, in appropriate locations, to meet current and anticipated future regional needs for large-site industrial related and limited types of commercial development appropriate to the community. To help generate agglomeration economies that will aid in attracting new industries. To control the types of uses to protect the public health and safety. To maintain an attractive physical environment that will aid in attracting new industry. To encourage development within industrial parks, with deed restriction controls and interior access systems. To encourage development that follows an overall plan with common design and landscaping themes. To encourage buildings that relate in scale and materials to adjacent buildings. To avoid the eventual placement of a large number of driveways that would enter onto arterial streets. and to provide for unified and coordinated development.
- F. CR DISTRICT- To limit the intensity of development on areas that are very environmentally sensitive. To seek to preserve the water quality of important creeks. To recognize areas that include significant amounts of wetlands, high water table soils and flood-prone areas. To direct development towards areas of the Borough that are more environmentally suitable.

### ARTICLE IV

# ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

#### 401. APPLICABILITY.

- A. This Article establishes specific requirements for specific uses, in addition to the general requirements of this Ordinance and the requirements of each District.
- B. For uses allowed within a specific Zoning District as "Special Exception" or "Gonditional Uses," see Sections 118 and 119. These sections list a set of additional standards and procedures to be used in determining whether a proposed special exception or conditional use should be approved.

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

- A. Each of the following uses shall meet all of the following requirements for that use:
  - 1. <u>Adult Use</u> (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Cabaret)
    - a. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, place of worship, public park, day care center, child nursery, library, existing dwelling, or any site marked as a proposed future park location on the Borough Official Map.
    - b. No such use shall be located within 1,000 lineal feet of any existing "adult use."
    - c. A 40 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
    - d. No pornographic material 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.
    - e. The applicant must prove to the satisfaction of the Borough Council that such use would not in any way adversely affect the character of the surrounding area, including property values.
    - f. No such use shall be used for any purpose that violates any Federal, State or Borough law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor has continuing knowledge of and allows to occur shall be sufficient reason for the Borough to withdraw Borough permits.
    - g. See Section 709, Prohibited Signs.
    - h. No such use shall be allowed in combination with the sale of alcoholic beverages.

- i. 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.
- j. These uses are specifically prohibited in all Districts except the LI District.
- k. A minimum lot area of 2 acres is required.
- 1. 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. No room of any kind accessible to customers shall include less than 150 square feet.
- m. No use may include live actual or simulated sex acts.
- n. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
- o. All employees in a massage parlor or adult movie theater shall wear non-transparent outer garments that cover their genitals and the female areola.

#### 2. Adult Day Care Center

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

#### 3. Animal Cemetery

- a. All the regulations for a "cemetery" in this Section shall apply.
- b. The applicant shall prove to the satisfaction of the Borough Engineer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

#### 4. Animal Husbandry

- a. Minimum lot area 5 acres.
- b. Any newly developed indoor area used for the keeping of animals or indoor or outdoor manure storage areas or feeding areas that are part of an animal husbandry use shall be located a minimum of 150 feet from all exterior lot lines and a minimum of 300 feet from the following: all dwellings (except the dwelling of the owner or lessee), residential district boundaries, existing restaurants and existing office uses.
- c. Any additions to an existing indoor area used for the keeping of animals or indoor or outdoor manure storage areas or feeding areas that are part of an animal husbandry use shall be located a minimum of 150 feet from all exterior lot lines, residential district boundaries and dwellings (except the dwelling of the owner or lessee).

- d. Any area used for the keeping of animals as part of an animal husbandry use that is not regulated by the standards b. and c. above shall be separated by a fence or wall and setback 50 feet from any lot line of an existing dwelling or any lot line within a residential District.
- e. The keeping of minks or garbage-fed pigs shall be setback a minimum of 300 feet from all lot lines.

#### 5. Auditorium, Commercial

- a. A 40 feet buffer yard shall completely separate the structure and all off-street parking areas from any lot line of any residential use or residential district.
- b. A commercial auditorium shall have a minimum lot size of one acre for each 150 seats.
- c. The structure of a commercial auditorium with a capacity of 300 or more persons shall be setback a minimum of 300 feet from the lot line of any residential use or residential district.

#### 6. Auto Repair Garage

- a. All major repair, welding and paint work shall be performed within an enclosed building, with a ventilation system that is directed away from any adjacent dwellings.
- b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- c. Outdoor storage of autos and other vehicles shall not be within a paved area setback required by Section 603 nor closer than 20 feet from any residential lot line.
- d. Overnight outdoor storage of junk shall be prohibited within view of a public street or a dwelling.
- e. No "junk vehicle" (as defined by Article II) shall be stored within view of a public street or a dwelling for a total of more than 10 days.
- f. Service bay doors shall not face directly towards an abutting dwelling, not including a dwelling separated from the garage by a street.
- g. A use that is primarily intended to serve trucks with 6 or more wheels shall have a minimum lot area of 5 acres, and all areas used for repairs, fueling and serving of such vehicles shall be setback a minimum of 250 feet from all existing residential lot lines and residential zoning boundaries.

### 7. Auto, Boat or Manufactured Home Sales

- a. No vehicle or home on display shall occupy any part of the existing or future street right-of-way or required parking area or any paved area setback required by Article VI.
- b. See light and glare standards in Section 513.

#### 8. Auto Service Station

- a. See definition in Article II, and definition of "Auto Repair Garage."
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a completely enclosed building.
- c. Fuel pumps shall be at least 25 feet from the existing street right-of-way.
- d. No vehicle parts or dismantled vehicles shall be visible from a public street or dwelling.
- e. No "junk vehicle" (as defined by Article II) shall be stored within view of a public street or a dwelling for more than a total of 10 days.
- f. There shall be an ability for a minimum of 4 vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced, without obstruction of access into or out of the driveways from public streets.
- g. A use that is primarily intended to serve trucks with 6 or more wheels shall have a minimum lot area of 5 acres, and all areas used for fueling and servicing shall be setback a minimum of 250 feet from all existing residential lot lines and residential zoning district boundaries.

#### 9. Betting Use

- a. Shall be located abutting an arterial or collector street, as defined by the Official Street Classification Map.
- b. Minimum lot area 3 acres.
- c. Minimum building setback from the lot line of any place of worship, residential zoning district or publicly-owned recreation area- 300 feet.
- d. The applicant shall prove to the satisfaction of the Zoning Officer that the use will provide adequate on-site parking.

#### 10. Boarding House

- a. Minimum lot area: 2 acres
- b. Minimum setback from all lot lines: 50 feet
- c. Minimum lot width: 200 feet
- d. Maximum density: 3 bedrooms or 6 persons per acre.
- e. Each sleeping room shall be limited to 2 persons each.
- f. A 20 feet wide buffer yard with screening meeting Section 803.D., shall be provided between any boarding house building and any abutting single family detached dwelling that is within 100 feet of the proposed boarding house building.
- g. Interior Space: A minimum of 400 square feet of interior floor space per resident.
- h. Maximum number of residents: 20.
- i. See also standards for "personal care centers" which is a separate use.
- j. Signs: shall be limited to 2 wall signs with a maximum of 2 square feet each.

- k. Rooms shall be rented for a minimum period of 7 days.
- 11. <u>Beverage Bottling Plant</u> Public sewer and public water service shall be provided.
- 12. <u>Bus Station</u> (for service between metropolitan areas; bus stations and bus stops for local bus service are not regulated by this Ordinance)
  - a. Street access from the bus station to an arterial street or an expressway shall not require driving on a collector or local street that is primarily residential.
  - b. Shall provide an area for the loading and unloading of buses separate from required off-street parking areas, and a separate area for pick-up and drop-off of persons from private vehicles.
  - c. May be an accessory use to a permitted shopping center or restaurant, provided that the applicant shows that there is adequate room for movements by the bus on the site or an adequate street shoulder for stops.

#### 13. Campground

- a. Any sleeping quarters or tent sites shall not be within the 100-year floodplain and shall be setback a minimum of 75 feet from all exterior lot lines.
- b. There shall be a maximum average of 2 recreational vehicle sites or 5 family tent sites or cabin sleeping capacity for 6 persons per acre of total lot area. Such sites may be clustered in portions of the tract.
- c. Maximum impervious coverage- 10 percent.
- d. Any store shall be limited to sales of common household and camping items to persons camping on the site.
- e. A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 16 feet.

#### 14. Car Wash

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation channels and parking areas shall be clearly marked.
- c. Adequate provisions shall be made for the proper and convenient disposal of refuse.
- d. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways.
- e. Water from the car wash operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
- f. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

g. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

#### 15. Cemetery

- a. Minimum lot area- 2 acres.
- b. A crematorium, where allowed, shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all residentially zoned land exterior to the cemetery.
- c. All structures and graves shall be setback a minimum of 30 feet from the lot line of an abutting residential use or any abutting residentially zoned lot, 20 feet from the future right-of-way of any public street and 10 feet from the cartway of an internal driveway.
- d. No grave sites shall be located within the 100-year floodplain.
- e. The use shall include an appropriate system for perpetual maintenance.

#### 16. Communications Tower, Commercial

- a. A commercial communications tower shall be setback a distance equivalent to one-half of the height of the antenna from all lot lines and existing street right-of-way lines.
- b. A freestanding commercial communications tower with a height greater than 50 feet above the natural ground level shall not be located in a residential district unless the applicant proves to the satisfaction of the Zoning Hearing Board that no other appropriate sites in other Districts are available within the Borough, especially space on existing towers.
- c. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of 8 feet.
- d. Any freestanding tower that is within 100 feet of a public street or dwelling shall be surrounded by evergreen screening within Section 803.D.
- 17. <u>Conversions to Residential Use and Conversions Increasing the Number of Dwelling Units</u> (not including development of one accessory apartment within a single family detached dwelling)
  - a. Applicable State fire safety requirements shall be met.
  - b. Sewer Service. Any on-lot septic system shall be recertified if the sewage flows will expand.
  - c. The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:
    - 1. The building shall maintain the appearance of a single-family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - 2. The conversion shall not be permitted if it would require the

placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.

- d. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- e. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- f. Off-street parking lots with 4 or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of Section 803.
- g. Any trash dumpster shall be screened from view of a public street or abutting dwelling.
- h. See, if applicable, requirements for "Accessory Apartment Within an Existing Single-Family Detached Dwelling" within Section 403.
- i. A site plan shall be submitted to the Zoning Officer.
- j. Each dwelling unit shall include a minimum of 800 square feet of habitable heated indoor floor area.
- 18. <u>Crop Storage, Commercial</u> Any indoor storage shall not occur in ways that threaten a serious explosive hazard.
- 19. <u>Cultural Genter/Community Center</u> No active outdoor recreation area shall be located closer than 25 feet to any abutting dwelling.
- 20. Day Care Center (includes Nursery School) as a principal use
  - a. See also day care center/nursery school as an accessory use in Section 403.
  - b. The use shall comply with any applicable county, state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare registration certificate or license.
  - c. Convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.
  - d. In residential districts, shall have a minimum lot area of 20,000 square feet.
  - e. Shall include adequate measures to ensure the safety of children from traffic or other nearby hazards.
  - f. Outside play areas in Residential Districts shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 200 feet of a dwelling.
  - g. 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 occupied dwelling.
  - h. This use shall not be conducted in a dwelling that is physically attached to another dwelling.
  - i. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

- j. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.
- 21. Essential Services See standards in Section 306.
- 22. Financial Institution Any drive-in window(s) and waiting lanes shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use.
- 23. Forestry, Commercial (Excluding Plant Nursery)
  - a. See definition in Article II.
  - b. A Forestry Management Plan shall be prepared and followed for any commercial forestry involving more than 2 acres. This Plan shall be prepared by a professional forester.
  - c. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the PA. Forestry Association.
  - d. Clearcutting shall be prohibited except on tracts of less than 2 acres. This provision shall not apply to State Game Lands where clearcutting is done to benefit the natural habitat.
  - e. On tracts larger than 2 acres, at least 25 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 25 percent of these residual trees shall be composed of higher value species as determined by a professional forester.
  - f. An Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for any review and recommendation.
  - g. The Forestry Management Plan shall include an appropriate method to ensure re-forestation, except for areas approved for a permitted use.
  - h. Commercial forestry is prohibited on areas with slopes greater than 25 percent or within the 100-year floodplain.
- 24. Funeral Home Minimum lot area- 2 acres.
- 25. Garden Apartments See "Townhouses and Garden Apartments"

#### 26. Golf Course

- a. The course shall be designed so that golf balls are highly unlikely to enter public streets or property that is not part of the golf course.
- b. A clubhouse, retail sales of golf supplies and/or restaurant may be permitted as an accessory use if located a minimum of 250 feet from any exterior lot line.
- c. Minimum lot area- 20 acres.
- d. Any outdoor lighting shall be located and designed in such a way that the lighting is not easily visible from adjacent dwellings.
- e. Maximum building coverage- 5%.

- f. Maximum impervious coverage- 10%.
- g. Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.

#### 27. Group Home

- a. See definition in Article II.
- b. There shall be adequate supervision as needed by a person trained in the field for which the group home is intended.
- c. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Borough, and also shall be required to be provided to the Zoning Officer upon request.
- d. Any medical or counselling services provided on the lot shall be limited to residents and up to 3 nonresidents during any day.
- e. One off-street parking space shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable of driving a vehicle.
- f. The use shall not meet the definition of a "criminal treatment center." See definition in Article II.
- g. If the group home is located in a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
- h. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available for public review upon request.
- i. The group home shall notify the Borough within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification or license expires, is suspended or is withdrawn.
- j. Number of Residents in a lawful dwelling unit: Maximum of 5 persons, including the maximum number of employees routinely on the site during any one period of time, except as listed below:
  - (i) In a Single Family Detached Dwelling with a minimum lot area of 15,000 square feet and a minimum building setback from all lot lines of 15 feet: maximum of 6 persons.
  - (ii) In a Single Family Detached Dwelling with a minimum lot area of 30,000 square feet and a minimum building setback from all lot lines of 25 feet: maximum of 9 persons.
  - (iii) In a Nonresidential District, where permitted: Maximum of 20 persons, provided there is a minimum of 125 square feet of habitable interior floor area per person.
- k. Off-street parking areas of more than 4 spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Section 803.

- 1. If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Borough Sewage Enforcement Officer to determine if it is adequate.
- m. Employees of the group home shall be prohibited from having visitors on the premises, unless such visitation is necessary for the operation of the group home and except for emergencies.
- n. The use shall provide illuminated "exit" signs, emergency battery-powered lighting and a minimum of two "ABC" rated fire extinguishers.
- 28. Heliport See Airport, Public or Private in this Section.

#### 29. Hospital

- a. At least 2 accessways or driveways with a minimum width of 20 feet. One of these accesses shall be from an arterial or collector street. The second access may be limited to emergency vehicles.
- b. Reasonable consideration shall be given to design methods that may be able to minimize serious noise conflicts from emergency sirens in the vicinity of a residential district.
- c. Minimum lot area- 2 acres.
- d. See definition in Article II.

#### 30. <u>Hotel/Motel</u>

- a. Recreational facilities limited to guests of the use and a standard restaurant may be permitted accessory uses to a hotel or motel.
- b. A hotel or motel shall serve only temporary guests. A use that is routinely inhabited by any persons for periods longer than 30 days shall be considered a boarding house and regulated as such.

### 31. <u>Junk Yard</u> (includes automobile salvage yard)

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least 100 feet from any lot line and any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles.
- d. Outdoor storage shall be completely enclosed by a 50 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 7 feet shall be provided and wellmaintained around all outdoor storage areas.
- e. Burning or incineration of vehicles or junk is prohibited.
- f. See the noise or dust regulations of Article V.

g. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.

h. Maximum size - 10 acres.

### 32. <u>Kennel</u>

a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all lot lines of existing primarily residential uses and the lot lines of undeveloped residentially zoned land.

b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived within any

adjacent dwelling.

- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 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.
- d. See State laws regulating kennels.
- e. A kennel may be used for breeding.
- f. Minimum lot area 3 acres.
- 33. <u>Laundry/Laundromat</u> Public sewer and public water service shall be provided.

#### 34. Mineral Extraction

a. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

b. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound

state permitting some economically productive future use.

- c. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earthen berm averaging a minimum of 6 feet in height and an average of 1 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, and shall meet the size and type requirements of Section 603.
- d. Minimum Setbacks for Excavation for Mineral Extraction:
  - 1. 100 feet from the future right-of-way of a public street and from all exterior lot lines of the property,

2. 150 feet from a commercial or industrial building, unless released by the owner thereof,

3. 250 feet from a residential district boundary or occupied residential or institutional use, other than property owned by the owner of the mineral extraction use,

- 4. 250 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,
- 5. 150 feet from the top of the bank of a perennial stream or a natural wetland of more than 2 acres.
- e. Fencing. Borough Council may require secure fencing in locations where needed to protect public safety.
- f. Noise and Performance Standards. See Article V.
- g. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant, sent to the County Conservation District, and found acceptable to Borough Council based upon the Conservation District's review.
- h. Engineering Review. The application shall be sent to the Borough Engineer or an alternate Engineer appointed by Borough Council for a review, with the reasonable costs of such review paid by the applicant.
- i. Hours of Operation. Borough Council 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.
- j. Borough Council and Planning Commission Review. The applicant shall submit a complete copy of all application materials and a site plan to the Borough Council and to the Planning Commission for review.
- k. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of Borough approvals under this Ordinance, and such Borough approval may be revoked for violation of this condition.
- 1. Preemption. It is not the intent of this Section to unlawfully preempt any Federal or State law or regulation. Unless a preemption of this Ordinance would exist, the most strict and least permissive requirements shall be in effect where a conflict might exist.
- m. Suitability of streets.
  - (1) It is the responsibility of the applicant to prove to the satisfaction of Borough Council that the public street system to be used will be adequate for the amount of heavy truck traffic to be generated by the use.
  - (2) If it is determined that the mineral extraction use would create unusually heavy truck traffic and that the State and Borough streets to be used would be inadequate to handle this unusually heavy and noncustomary traffic, the applicant may be required by Borough Council to fund such improvements to streets within 1/2 mile of the use as are reasonably necessary to handle the heavy truck traffic that will be generated, or to post such reasonable and necessary bonds to provide for any serious and extraordinary damage that may result from the use of public streets by heavy trucks from the use. Such improvements shall be in direct relation to the traffic generated by the use. Such

improvements may be made in phases and may be handled through posting of bonds.

- (3) Borough Council shall deny a mineral extraction application if the public streets would be physically unable to handle the heavy truck traffic and if the applicant refuses to fund the necessary improvements. The applicant shall not be responsible for routine maintenance of public streets.
- n. Application Requirements. Each application for a Mineral Extraction use involving an excavation of more than 1 acre shall include the following:
  - (1) Present uses of the site
  - (2) A scaled map, prepared by a registered professional engineer, showing the locations of:
    - a) the proposed area to be excavated (and maximum depth);
    - b) other land to be affected including but not limited to: (i) storage sites for overburden, (ii) access and haulage streets, (iii) storage sites for equipment, and (iv) offices and other accessory structures;
    - c) lot lines of adjacent lots, and owners and existing uses of these lots;
    - d) watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 300 feet of the boundaries of land to be affected by the mineral extraction operation;
    - e) any forested areas to be removed or protected and preserved as part of the use.
  - (3) A detailed land reclamation plan of the area to be excavated, showing:
    - a) proposed use and topography of the land following the mineral extraction;
    - actions to be taken during mining to conserve and replace topsoil removed during mining operations;
    - d) reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.
- o. Regulation of the Maximum Acreage Actively Used for Mineral Extraction
  - (1) To ensure that large areas of land will be reclaimed in compliance with State and Borough regulations, Borough Council may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.
  - (2) Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and/or that contains waste or spoil piles from existing or prior mining activities:

- 35. Mobile/Manufactured Home on an individual lot or within a mobile/manufactured home park.
  - a. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the BOCA Code.
  - b. Shall have a site graded to provide a level, stable and well-drained area.
  - c. Shall have wheels, axles and hitch mechanisms removed.
  - d. Foundation. Shall be placed on a permanent foundation as follows, unless the applicant proves to the satisfaction of the Zoning Officer that another method recommended by the manufacturer of the home would be adequate:
    - (1) The foundation system shall consist of 10 inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on 8 feet centers along each of the two main longitudinal frames for each section of the home with no more than 3 feet overhang at each end of the section.
    - (2) One-half inch diameter by 12 inch long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
    - (3) The mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and two midpoints. The tiedown shall also be in accordance with the manufacturers' recommendations furnished with each home.
    - (4) Homes shall not be placed more than 4 feet above the supporting ground area.
  - e. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home.
  - f. Shall have a pitched instead of a flat roof.
  - g. Should be located with the longest side facing the public street.

## 36. Mobile/Manufactured Home Park

- a. Shall have a minimum tract size of 5 acres and a maximum overall density of no more than 4 mobile homes per acre (which may include land in common open space or proposed streets).
- b. All units shall be served by public sanitary sewer and public water service.
- c. Shall have a 25 foot buffer yard around the perimeter of the site, meeting the requirements of Section 803.
- d. Minimum separation between dwelling units- 20 feet.
- e. Minimum building setbacks:
  - (1) From the exterior lot lines of the mobile home park: 50 feet.
  - (2) From the future right-of-way of any arterial and collector streets: 50 feet.
  - (3) From local streets or the cartway of a private street: 25 feet.
  - (4) From parking courts of 3 or more off-street spaces: 15 feet.
- f. Recreation Area. See the requirements of the Borough Subdivision and Land Development Ordinance, as amended.
- g. Each unit shall comply with the requirements for Mobile/Manufactured Homes, in Section 402.
- h. A mobile/manufactured home park may include a recreation center for residents, a rental/management office, maintenance buildings for the park, a swimming pool(s) and the sale of mobile/manufactured homes that will be placed on the tract, but not the sale of homes for placement off the tract.
- i. If any of these requirements conflict with those of the Mobile Home Park regulations of the Subdivision and Land Development Ordinance, as amended, then the regulations of this section shall apply instead.
- 37. Nursery School See "Day Care/Nursery School" in this section.

### 38. Nursing Home

a. Licensing - See definition in Article II.

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.

c. The density shall not exceed more than one resident or bed per

400 square feet of total lot area.

- d. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from any lot line of an existing dwelling or undeveloped residentially zoned land, unless a more restrictive setback is required by another Section.
- 39. <u>Personal Care Center</u> The standards for nursing homes in this section shall apply.

#### 40. Picnic Grove

- a. No outdoor area within 250 feet of an existing dwelling shall be actively used by patrons between the hours of 9 p.m. and 7
- b. See noise and glare standards in Article V.

## 41. Place of Worship

a. Minimum lot area- 1.5 acres.

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 nursery school/day care center is also permitted, within the specific requirements for such use in this Section. Noncommercial buses used primarily to transport persons to and from religious services may be parked on the lot.

c. A maximum of 1 dwelling unit may be accessory to a place of worship on the same lot. However, no dwellings shall be

permitted within industrial zoning districts.

d. The use of any building for worship by a maximum of 5 persons at any point in time is not regulated under this ordinance, and is permitted by right in all districts.

#### 42. Plant Nursery

a. Evergreen screening and buffer yards are not required around the outdoor storage of trees or shrubs.

b. The only retail sales that shall be permitted shall be of trees and plants that were primarily grown upon the lot and clearly customary and accessory sales of closely related items (such as mulch, topsoil and tools) unless retail sales or a "retail store" are specifically permitted in the District.

c. Minimum lot area - 2 acres.

#### 43. 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 any fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 25 feet buffer yard with screening as described in Section 803 shall be provided between this use and any abutting dwelling or abutting undeveloped residentially zoned land.
- 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, 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.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical crushing of cans shall occur within 150 feet of a dwelling.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. Any recycling collection center shall include the delivery to the site of a maximum of 250 tons of materials if within an industrial district and 20 tons if within a non-industrial district during any 24 hour period. A maximum of 200 tons of materials shall be stored on a lot within a non-industrial district at any one time. Only materials clearly being actively processed for recycling may be stored on site.

### 44. Restaurant, Fast Food or Standard

a. Dumpster Screening and Waste Containers - See Section 512.

b. A maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-thru service is provided, if the words on such signs are not readable from beyond the lotline.

### 45. School, Public or Private, Primary or Secondary

- a. Minimum lot area l acre, unless a larger acreage is required by another section of this ordinance.
- b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a lot line of an existing dwelling.
- c. If the use involves more than 25 persons routinely on the lot at any one point in time, the use shall be served by both public sewer and public water services.
- d. The use shall not include a dormitory unless specifically permitted in the District.

#### 46. Self-Storage Development

- a. All storage units shall be fire-resistant and water-resistant.
- b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- e. Major body work on vehicles shall not be permitted. 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. All outdoor storage areas located within 200 feet of the future right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 803.
- h. Maximum building length- 200 feet.
- i. Minimum separation between buildings- 20 feet.

### 47. Solid Waste Transfer Facility

- a. See definition in Article II.
- b. All solid waste storage shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 2 acres in area.

- c. All areas to be used for the storage or processing of solid waste shall be a minimum of 500 feet from any of the following: residential district, publicly-owned recreation use, existing dwelling that the applicant does not have an agreement to purchase or banks of any perennial creek or river.
- d. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 25 feet each. One of these accesses may be limited to use by emergency vehicles.
- e. No burning or incineration shall occur as part of the use.
- f. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit under this Ordinance. Violations of this condition shall also be considered to be violations of this Ordinance.
- g. Open dumps and open burning of refuse are prohibited in all districts.
- h. The applicant shall prove to the satisfaction of Borough Council that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas.
- i. The applicant shall prove to the satisfaction of Borough Council that the use would not routinely create noxious odors off of the tract.
- j. A chainlink or other approved fence with a minimum height of 6 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of Borough Council that it is unnecessary. Borough Council shall require adequate earthen berms, evergreen screening and shade trees meeting the requirements of Section 603 as needed to prevent the operations from being visible from an expressway or arterial streets or dwellings.
- k. Minimum lot area 5 acres for the first 250 tons per day of capacity of solid waste per day plus 1 acre for each additional 100 tons per day of capacity, with a maximum total of 750 tons of capacity per day.
- 1. Health Hazards. The facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- m. Attendant. An attendant shall be present during all periods of operation or dumping.
- n. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- o. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.

- p. Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
- q. Tires. See "Outdoor Storage and Display" in Section 403.
- r. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- s. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- t. The applicant shall provide sufficient information for the Borough to determine that the requirements of this Ordinance will be met.
- u. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Borough and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Borough regulation in a particular aspect. The applicant shall provide the Borough Secretary with a copy of all written materials and plans that are submitted to PA. DER at the same time as they are submitted to DER.
- v. A recycling collection center and/or bulk recycling center are permitted in combination with permitted solid waste transfer facility.
- w. All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.
- x. At least a portion of the solid waste disposal facility shall be within 1 mile by street of an interchange of an expressway.
- y. The applicant shall provide a professional analysis of the expected impacts of the facility on air quality, groundwater quality and surface water quality, and expected health hazards to humans.

#### 48. Stable, Nonhousehold

- a. Minimum lot area 4 acres.
- b. Any horse barn, corral, fenced-in area or stable shall be a minimum of 75 feet from any lot line and 150 feet from any adjacent existing dwelling.

### 49. Swimming Pool, Non-Household

- a. The water surface shall be setback at least 50 feet from any existing dwelling.
- b. Minimum lot area- 2 acres.

c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of Section 803.

d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.

### 50. Target Range

- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for a firearms range.
- b. A firearms target range shall comply with National Rifle Association standards and other applicable Federal, State and local regulations.
- c. A firearms target range shall be located a minimum of 250 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless within a completely enclosed sound-resistant building.
- d. An outdoor firearms range shall be fenced and be properly posted.

# 51. Theater, Outdoor

- a. Shall be on a lot abutting an arterial street or collector street (as defined on the Official Street Classification Map).
- b. Shall have a lot area of at least 8 acres.
- c. The movie screen shall be situated so that its face is not visible from a public arterial or collector street.
- d. The movie screen and any building shall be located at least 100 feet from any dwelling.
- e. A playground and snack shop are permitted as accessory uses.
- f. Pornographic, obscene or sexually explicit films shall not be shown.
- g. An outdoor theater for musical shows and similar events is permitted without additional regulation within a publicly-owned recreation area.

# 52. Townhouses and Garden Apartments

a. Maximum Number of Dwelling Units Within Any Building or Within Attached Buildings - 16 for any building including garden apartments, 8 for any other building(s)

- b. Maximum Density The total lot area of the "tract" (as defined in Section 202 [see also definition of "lot area"]), after the deletion of any right-of-way required to be dedicated for abutting streets, shall be divided by 5,500 square feet per dwelling unit to determine the maximum permitted number of dwelling units within the tract. Rights-of-way of proposed public or private streets within the tract shall not be deleted from the lot area for the purposes of determining maximum density. The permitted dwelling units may be placed anywhere within the tract, provided that all other requirements of this Ordinance are met.
- c. Variety in Design. Developments of more than 50 dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged. Variation in roof lines of structures is strongly encouraged.
- d. Changes in Facade. For every attached grouping of townhouses, a minimum of 2 changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of 4 feet. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings or differing setbacks along the front of a dwelling. setback further than attached private garage structures.
- e. <u>Buffer Yard</u> A 20 feet wide buffer yard with screening shall be required, as described in Section 803.D., between any townhouse or garden apartment and any abutting existing single family detached dwelling that is within 150 feet of the proposed garden apartment or townhouse building. The buffer yard shall be the responsibility of the developer of the townhouses or garden apartments.

### f. Accessory Uses and Structures.

- 1. See Section 403 for regulations on specific accessory uses. A 5 feet minimum setback is required for all permitted accessory uses or structures, except:
  - (a) a l foot setback is required along the shared lot line of attached buildings,
  - (b) where a larger setback is required by part "h" of this subsection.
  - (c) a 25 feet wide minimum setback shall be maintained abutting the existing right-of-way of any street.

2. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.

### g. Maximum Building Length - 160 feet.

### h. Building Setback and Separation,

- 1. Minimum Setback for townhouse and garden apartment buildings and their permitted accessory structures: 50 feet from all exterior lot lines and all existing street rights-of-ways exterior to the tract, except:
  - (a) the minimum setback shall be 75 feet for principal buildings from a lot line of an existing single family detached dwelling and
  - (b) the minimum setback shall be 25 feet for principal and accessory buildings from a private street cartway or the existing right-of-way of a street constructed within the tract.
- 2. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.
- i. Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 26 feet for any townhouse with 2 or more off-street parking spaces located in the required front yard of a building or that has garage door(s) for 2 or more motor vehicles facing onto the front of the townhouse lot.

### j. <u>Minimum Private Area.</u>

- 1. For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.
- 2. If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus this 200 square feet.
- 3. Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.

- 4. Storage. If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access.
- k. <u>Construction of Private Streets</u>. See Section 801 "Frontage Onto Improved Streets."
- Architectural Renderings. Preliminary architectural renderings, models or photos are requested for any garden apartment or townhouse development of more than 25 units.
- m. Preservation of Natural Buffers. See Section 803.D.3.c.
- n. <u>Garages</u>. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- o. <u>Mailboxes</u>. Any mailboxes provided within the future street right-of-way shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of noncoordinated types at the curbside are specifically discouraged.
- p. <u>Trash Bins</u>. For any garden apartment or rental townhouse development, common trash receptacles shall be provided in locations that are convenient for residents and for collection. Screening is required by Section 512.
- q. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- r. Minimum Tract Width and Depth 150 feet each.
- s. <u>Paved Area Setback</u> All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.

# 53. <u>Veterinarian Office</u> (includes Animal Hospital)

- a. A minimum lot size of at least 1.5 acres shall be required for those animal hospitals treating small animals (such as cats, dogs, birds or snakes). A minimum lot size of at least 3 acres shall be required for those offices routinely treating large animals (such as cattle, horses or pigs).
- b. Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings should be adequately soundproofed so that sounds generated within the buildings cannot be perceived within any adjacent dwellings.
- c. 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.
- d. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

# 54. Warehouse or Wholesale Sales

- a. See off-street loading requirements in Section 605.
- b. No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses or similar items shall be permitted.
- c. Uses that would involve the entrance to the use of an average of more than 200 tractor-trailers per weekday shall be required to meet the additional standards in this section for a truck terminal.
- d. See requirements in Section 403 for "Outdoor Storage or Display".

# 403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- A. <u>General.</u> Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance.
- B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use.
- C. <u>Front Yard Setback</u>. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance. See the list of "Essential Services" in Section 306.

- D. <u>Special Standards</u>. Each accessory use shall comply with all of the following standards listed for that use:
  - 1. <u>Accessory Apartment, One</u> Within an Existing Single-Family Detached Dwelling or Within an Existing Single-Family Semi-Detached Dwelling (half of a twin dwelling)
    - a. Any on-lot septic system shall be recertified if the sewage flows will increase.
    - b. The building shall maintain the appearance of a single-family detached dwelling or a single family semi-detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - c. The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of 4 or more off-street parking spaces in the required front yard.
    - d. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
    - e. Any off-street parking lot including 4 or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of Section 803.
    - f. One of the dwelling units shall be owner-occupied for a minimum period of 12 months following the conversion.
    - g. The dwelling as it pre-exists shall have a total minimum floor area of 1,500 square feet and the principal dwelling unit shall retain a minimum floor area of 800 square feet.
    - h. A maximum of 2 total dwelling units are permitted.
    - i. Any off-street parking area of 4 or more spaces shall have evergreen screening meeting the requirements of Section 804.D. between the parking spaces and any abutting dwelling.

### 2. Amateur Radio Antenna

- a. Height. No amateur radio antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 65 feet in a residential district or 75 feet in any other district.
- b. Anchoring. Any amateur radio antenna shall be properly anchored to resist high winds.

#### 3. Bed and Breakfast Use

- a. No more than 4 rental units shall be provided and no more than 4 persons may occupy one rental unit.
- b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building or screened from the street and abutting dwellings by evergreen screening.
- c. At least one bathroom shall be provided for use by guests.

- d. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of 4 square feet on each of 2 sides and with a maximum height of 8 feet.
- e. The use shall have a residential appearance and character.
- f. The use shall be operated by permanent residents of the lot.
- g. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight.
- h. The maximum, uninterrupted length of stay at a bed and breakfast shall be 14 days.
- i. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the clientele and permanent residents of the establishment and their occasional invited guests.
- j. Any on-lot septic system shall be recertified as being adequate, in accordance with State regulations.

# 4. Day Care Center as Accessory Use to a Residential Use

- a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit:
  - 1. In a single family detached or single family semi-detached (twin) dwelling: maximum of 6 children who are not related to a permanent resident of the dwelling by blood, marriage, adoption or formal foster relationship, provided that:
    - a. such non-related children shall only be permitted if the total of such non-related children plus related children who are present in the dwelling is not greater than a total of 8 children.
  - 2. In any dwelling unit other than a single family detached or single family semi-detached dwelling: maximum of 2 children, beyond those children who are related to a permanent resident of the dwelling by blood, marriage, adoption or formal foster relationship.
- b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
- c. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402.B. for such use, if permitted.
- d. The use shall be actively operated by a permanent resident of the dwelling.

# 5. Fences and Walls

- a. Fences and walls are permitted by right in all Districts.
- b. Sight Distance. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.C., nor obstruct safe sight distance within an alley.
- c. Fences -

- (1) Any fence located in the required front yard of a lot in a residential district shall have a minimum ratio of 3:1 of open to structural areas, shall not exceed 4 feet in height and shall be constructed entirely of wood (and any required fasteners and any wire mesh attached on the inside of the fence).
- (2) A fence shall not be required to comply with minimum setbacks for accessory structures.
- (3) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6 feet, except that a maximum of height of 10 feet is permitted to enclose a tennis or racquet sport court provided that such fence is not within a required setback area for an accessory structure.
- (4) No fence shall be built within 5 feet of the existing right-of-way of a street. A fence shall be setback a minimum of 1 foot from a lotline.
- (5) No fence shall be located within the paved area setback required under Section 603, nor within an easement in such a way that it would prevent use of the easement for its intended purpose.
- (6) Any fence that has one side that is smoother and/or more finished than a second side shall place that smoother and/ or more finished side so that it faces away from the area that is enclosed, unless the fence abuts a business use.

#### d. Walls -

- (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
- (2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign at an entrance to a development.
- (3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback and 6 feet if it is not.
- (4) Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.
- e. Gates. All fences, walls or continuous hedges more than 4 feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

### 6. Garage Sale.

- a. See definition in Article II. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
- b. No garage sales shall be held on a lot during more than 4 days total in any 3 consecutive months.

c. The use shall be clearly accessory to the principal use.

### 7. <u>Home Occupation</u>.

- a. The home occupation shall be conducted within buildings.
- b. The home occupation may be conducted within a principal or accessory residential building, provided that the total area used for a home occupation shall not exceed 25 percent of the total floor area of the principal dwelling unit.
- c. There shall be no outside storage of materials, products or equipment.
- d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single nonilluminated sign no larger than 2 square feet in size on each of two sides, and with a maximum height of 8 feet.
- e. Parking of Trucks The regulations of Section 604 shall apply. Servicing of the use by trucks other than by U.S. Postal Service vehicles, pick-up trucks or vans shall only occur a maximum of twice per day. The use shall not require the parking of more than 3 trucks of any type on the lot or on adjacent streets at any period of time.
- f. The use shall not be serviced by tractor-trailer trucks.
- g. Uses permitted as a home occupation include but are not limited to: art studio, barber shop, beauty shop, office, custom sewing or musical instruction.
- h. The following uses shall not be permitted as a home occupation: animal hospital, stable, kennel, funeral parlor, retail store, restaurant or truck terminal.
- i. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, light or electrical interference beyond the boundary of the property.
- j. The Zoning Hearing Board may require such conditions as they deem reasonable and necessary to limit potential adverse effects of a particular use.
- k. Parking and Loading Adequate space for off-street parking and loading shall be provided in accordance with Article VI of this Ordinance. If such parking cannot be accommodated using a driveway, such areas shall be located to the rear of the lot, if possible.
- 1. Building Appearance The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
- m. No use shall be permitted that would generate noise in excess of what is typical in a residential neighborhood.
- n. See the definition of Home Occupation in Article II.
- o. Number of Employees A total maximum of 1 person shall work on the lot who is not a permanent resident of the dwelling, except:
  - 1) a haircutting/ hairstyling use shall only be conducted by a total of 1 person, who shall be a permanent resident of the dwelling.

- 2) an office of a single medical doctor or a single dentist may include a maximum of 5 employees who are not permanent residents of the dwelling if such use will be adjacent to an arterial street.
- p. Hours No home occupation shall be conducted in a way that is perceptible from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m.
  - q. Hazardous Substances The use shall not involve the storage or use of hazardous, toxic, flammable or explosive substances, other than types and amounts commonly found in a dwelling.
  - r. Traffic The use shall not reasonably be expected to involve the arrival on the lot for business purposes of more than 10 vehicles in any average day, other than the offices of a physician or dentist along an arterial street.
  - s. Any instruction or tutoring shall be limited to a maximum of 4 pupils being on the property at any one time.

### 8. Home Office.

- a. Shall meet all of the requirements for a home occupation, except that the use shall be permitted by right and not a special exception, and except that any requirements of a home office that are more strict than for a home occupation shall apply.
- b. Shall not involve any parking or use of trucks on the lot or on the street other than routine permitted deliveries.
- c. Traffic Shall not reasonably be expected to involve the arrival on the lot for business purposes of more than 5 vehicles in any average day.
- d. Shall meet the definition of Article II for a "home office."
- e. Only persons who are permanent residents of the dwelling shall work on the premises.
- f. Shall not involve any sign identifying the business.
- 9. <u>Keeping of Pets</u>. (NOTE: This does not apply to "animal husbandry" which is regulated by Section 402 nor to keeping of animals permitted as an accessory use under the definition of "Crop Farming" in Article II).
  - a. This is a permitted by right accessory use in all districts.
  - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
  - c. The total number of dogs and cats shall be a combined maximum of 5, unless the animals would be regularly kept at least 200 feet from the nearest dwelling. No numerical restriction shall apply to cats and dogs of less than 6 months age.

- d. Pigeons, chickens, ducks, geese and similar fowl shall only be kept on lots of larger than 2 acres. A maximum of 12 such birds shall be permitted under this section. Such birds shall be kept a minimum of 25 feet from any lot line and 75 feet from any dwelling other than that of the owner of the animals.
- e. In any zoning district it is permitted to maintain up to 2 horses on a lot of 2 acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 75 feet from any lot line and 150 feet from any existing dwelling other than that of the owner of the horses.
- f. Keeping of more than the specified number of cats or dogs shall be considered a kennel.
- g. Keeping of more than the specified number of pigeons or fowl shall be considered animal husbandry.
- h. Keeping of more than the specified number of horses shall be considered a stable.
- i. 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 fish but do not include bears, goats, cows, venomous snakes, pigs or sheep.
- j. Any area used for the keeping of bees shall be setback a minimum of 150 feet from all lot lines.

### 10. Leaf Composting.

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- a. Shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste.
- b. Shall be conducted in such a way that a fire, rodent or disease-carrying insect hazard is not created.
- c. Composting areas of greater than 1 acre shall be setback 50 feet from all lot lines. Areas of grass clippings composting of less than 1 acre shall be setback a minimum of 25 feet from any adjacent dwelling.

# 11. <u>Outdoor Storage and Display</u>, Commercial or Industrial (as a Principal or Accessory Use).

- a. Location. Shall not occupy any part of the existing or future street right-of-way, area intended or designed for pedestrian use, required parking area, or part of the required paved area setback (see Section 703 G.).
- b. No outside industrial storage shall be located on land with an average slope in excess of 15 percent.
- c. Screening. See Section 803.D., "Buffer Yards."
- d. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high, and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 50 feet.
- e. No outside commercial or industrial storage or display shall be permitted in a required front yard in the LI District.

- 12. Recreational Vehicle, Storage of One or Two. A maximum of 2 uninhabited recreational vehicles in transportable condition may be stored on a lot within the following limitations:
  - a. A recreational vehicle of longer than 35 feet shall not be stored for greater than 3 days in any 7 day period within a required front yard.
  - b. A vehicle stored on the lot of a single family detached house shall be setback a minimum of 3 feet from the lotline of an abutting single family detached house.
  - c. Any recreational vehicle that is required to be registered or licensed under State law to be operated and is not registered or licensed shall be kept out of view from any public street or existing dwelling (other than that of the owner).
  - d. One recreational vehicle may be inhabited as a temporary accessory residence to a single family detached dwelling for a period of 7 days, once in a calendar year.

### 13. Residential Accessory Structure (see definition in Article II)

- a. Accessory structures and uses (other than fences) shall not be within the required accessory use setback as stated in Article III, unless specifically exempted by this Ordinance.
- b. Accessory buildings on a lot with a lot area of 1 acre or less in a residential district shall meet the following requirements:
  - (1) Maximum height- 25 feet.
  - (2) Maximum total floor area of all accessory buildings- 1,000 square feet.
  - (3) Maximum of 2 accessory buildings per lot.
- c. Any skateboard ramp shall be clearly intended for use by permanent residents of the dwelling and their occasional guests. Any such skateboard ramp shall be a maximum of 3 feet in height and 5 feet in length and be moved inside when not in use.

### 14. Retail Sales of Agricultural Products Produced Locally.

- a. The use shall be an accessory use incidental to a crop farming or animal husbandry use.
- b. The only retail sales shall be of agricultural products. A minimum of 75 percent of the products sold shall have been grown by the operator of the retail sales use, or a member of his or her immediate family or a leasee of their land.
- c. Parking shall be provided in compliance with the provisions of Article VI.
- d. All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
- e. Signs. See Section 709.
- f. No stand shall be located closer than 25 feet from any lot line.

- g. A maximum of 2,000 square feet of building floor area may be used for such use.
- h. The use may occur as an accessory use within an existing dwelling or barn.

### 15. Satellite Antennas.

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- a. Intent. To provide for reception of satellite communications, while assuring that such uses will not detract from the character of any area or adversely affect property values. This section recognizes that if not properly installed, a satellite antenna may create a threat to the safety of persons and property. This section recognizes that if properly screened and sited, satellite antennas may avoid visual blight in the immediate area. This section also recognizes that satellite antenna have the potential of being substantially more of a nuisance and a visual blight than most other forms of electronic antenna. The reasons for this special concern about satellite antenna include the usual solidness of the structure (which makes it more visible), the occasional desire to place a satellite antenna in front yards and the fronts of roofs and the overall size of satellite antenna compared to most other noncommercial antenna.
- b. Satellite antenna shall be a permitted by right accessory use in all Districts for all uses subject to the restrictions in this sub-section.
- c. Location and Number.
  - (1) In a residential district, a satellite antenna shall neither be located between a residential use and the front lot line nor on a corner lot between a residential line and any public street (other than an alley).
  - (2) A satellite antenna shall comply with the setback requirements of an accessory use in all Districts.
  - (3) A satellite antenna may be placed on the roof of a structure in a residential district only if such antenna would not be visible from a public street. An antenna may be roof-mounted in any other district, without limitations on visibility.
  - (4) A maximum of 1 satellite antenna shall be permitted on any lot in a residential district.

### d. Size and Height.

- (1) A satellite antenna shall have a maximum diameter of:
  - a) 11 feet in a residential district,
  - b) 15 feet in a nonresidential district if ground-mounted, and
  - c) 11 feet in a nonresidential district if not groundmounted.

- (2) A ground-mounted satellite antenna shall have a maximum possible height of 15 feet above the average ground level in a residential district.
- (3) In a nonresidential district, a satellite antenna shall have a maximum height of 25 feet above the average ground level, if the antenna is ground-mounted, or 15 feet above the highest point of a roof if roof-mounted.
- e. Screening. Any satellite antenna that is ground-mounted shall be screened by appropriate evergreen plantings between the antenna and any public street, unless the applicant proves to the satisfaction of the Zoning Officer that screening in such a location would make it impossible to receive the electronic signals.
- f. Colors. Earth tones are strongly encouraged.
- g. Large Lot Exemption. If a satellite antenna is to be located a minimum of 200 feet from all exterior lot lines, the requirements of this section shall not be binding, other than the height requirements.
- h. Mobile Stands. Satellite antenna on mobile stands are prohibited except as may be initially needed to determine the best location for an antenna.
- i. Transmission. No satellite antenna provided for under this section shall be used for the transmission of commercial electronic signals within a residential district.
- j. Wind Resistance. Any satellite antenna shall be properly secured so that it will be resistant to high winds.

# 16. <u>Swimming Pool</u>, <u>Household</u> (referred hereafter as "pool")

- a. The pool shall not involve any commercial use.
- b. Permit. Before any work is commenced on the construction of a pool or any significant alteration or addition to a pool, an applicant shall apply for a construction permit by submitting the following to the Zoning Officer: a) a site plan showing building locations and the proposed pool location, distances to lot lines in the vicinity of the proposed pool and the location of wells, septic systems and proposed fences or enclosures around the pool; b) construction information sufficient to show compliance with the pool provisions of this Ordinance; and c) required fees, based upon the Borough fee schedule for building permits. No work shall be commenced until a written permit is issued.
- c. Enclosure Around In-Ground Pools.
  - (1) An in-ground pool and any pool deck shall be completely surrounded by a fence, wall or similar enclosure not less than 4 feet in height, which shall be so constructed as to have no openings, holes or gaps larger than 6 inches in any dimension, other than the vertical spaces within a picket fence. A building may form part of such enclosure. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool

side for keeping the gate or door securely closed at all times when not in use. A door of a building which forms a part of the enclosure need not be self-latching and selfclosing.

(2) The requirements of this subsection dealing with enclosures shall apply to both existing and new pools.

(3) Any existing pool that does not comply with these enclosure requirements shall be made conforming within 90 days of the adoption of this Ordinance.

### d. Enclosure Around Above Ground Pool.

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- (1) Any above ground pool shall include an enclosure a minimum of 4 feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of 4 feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
- (2) The requirements of this subsection dealing with enclosures shall apply to both existing and new pools.
- (3) Any existing pool that does not comply with these enclosure requirements shall be made conforming within 90 days of the adoption of this ordinance.
- e. Location. A pool and any deck, patio or shelter that is elevated above the average surrounding ground level shall meet the applicable setback requirement for an accessory building. Where practical, a pool shall be located to the rear of a building. A pool is not permitted within a required front yard.
- f. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to: a) interfere with the operation of a well or on-lot septic system or b) threaten to cause a septic system to discharge into the pool or onto the adjacent area around the pool.
- g. Enforcement. The Borough shall enforce the requirements of this section when a written complaint is made to the Zoning Officer or when the Zoning Officer becomes aware of a violation. However, it is the responsibility of each landowner to obtain any required permits and to ensure compliance with this section. The Borough does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.

- h. Construction. All new pools shall comply with the following requirements:
  - (1) All pools shall include an impervious liner with easily cleaned surfaces. A pool shall not include a sand or dirt bottom that is not covered by such liner.
  - (2) All pool walls and bottoms shall be able to withstand water pressure from within the pool and any pressure from earth or ground water outside of the pool when the pool is empty.
  - (3) A minimum of 1 set of steps, ladders, step holds or hand holds is required. The coping of the edge of the pool may meet this requirement is such coping is a maximum of 8 inches above the water surface.
  - (4) Any inlet from a central water system shall be above the overflow level of the pool. If the water for a pool is supplied by a private water system, there shall be no crossed connection with the central water system.
  - (5) An adequate system shall be provided for the complete recirculation of water throughout the pool. This system shall: a) be designed and constructed so that a turn-around at least once every 12 hours is provided and b) include pumping equipment, hair and lint catcher, filters, and necessary pipe connections for backwashing and cleaning of filters.
  - (6) Every pool shall include adequate and readily available life preservers, ropes and/or pulls.
- i. Nuisances. A pool shall not be used in such a manner as to result in any of the following:
  - undue interference with the enjoyment of property rights of adjacent residents,
  - (2) illumination of adjacent residential properties beyond what is customary in a residential neighborhood.
  - (3) creation of loud and unnecessary noise beyond what is customary in a residential neighborhood or
  - (4) use of musical instruments or playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool and in such a manner as to disturb the peace of neighboring residents.
- j. Electrical Connections.
  - (1) All electrical installation shall comply with the specifications of the National Electrical Code.
  - (2) Electrical wires or conductors shall not cross overhead over or within 5 feet of any pool surface.
  - (3) Electrical wires or conductors shall not cross on the ground or underground under or within 5 feet of a pool surface, unless they are enclosed within a rigid conduit.
  - (4) Any underwater lights shall be watertight, self-contained units with ground connections running from a waterproof junction box to a proper grounding facility or medium. All underground electrical wires supplying current to underwater lights shall be enclosed within a rigid conduit.

(5) All metal fences, enclosures or railings, near of adjacent to a pool, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

# ARTICLE V

# ENVIRONMENTAL PROTECTION

501. ENVIRONMENTAL PRESERVATION REQUIRED. A use shall not occur in such a way that can be clearly proven on the basis of professional engineering and environmental study to be a significant hazard to the public health and safety or environmental quality.

# 502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

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- A. No land owner, tenant nor leasee shall use or allow to be used land, structures or premises that they are responsible for and/or using in such a way as to threaten or create any of the following situations or conditions or activities:
  - 1. Communicable disease hazards, including activities that encourage the breeding of disease-prone insects or rodents.
  - 2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
  - 3. Activity that would prevent a neighboring landowner of ordinary sensibilities from making reasonable use of their property.
  - 4. Activity that would be a significant hazard to the public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. (See Section 506 "Storage of Hazardous and Explosive Substances.")
  - 5. Activity that would seriously threaten or cause serious pollution to groundwaters or surface waters.
- B. It is the responsibility of every property owner to ensure that their property does not threaten the public health or safety. Property owners shall remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to: structurally unsound structures, including those damaged by fire, and storage areas and detention basins that are not properly secured from young children.
- C. If the Zoning Officer becomes aware of a serious threat to the public health and safety, the Zoning Officer may, but is not required to, require that the property owner resolve the hazard. If the hazard is not removed within a reasonable period of time after such notice, the Borough may, at the option of Borough Council, remove the hazard or contract for its removal. In such case, the property owner shall be required to compensate the Borough for all such expenses for such work and any reasonable accompanying legal and administrative costs. The Borough does not take responsibility for identifying or removing all hazards.

D. <u>Fire Safety</u>. The State Department of Labor and Industry requirements for fire safety of commercial, industrial, apartment and institutional buildings shall be complied with as applicable.

### 503. WETLANDS.

- A. If a reasonable doubt exists in the determination of the Zoning Officer, the Borough Engineer, the Planning Commission or Borough Council whether a portion of a site would meet one or more State or Federal definitions of a "wetland", the Zoning Officer shall require the applicant to provide a study by a qualified professional delineating whether wetlands exist prior to construction.
- B. All applicants are put on notice that Federal regulations may require a property owner to demolish newly constructed buildings and to remove all fill if land meeting a definition of "wetland" is altered.
- C. All permits of the Borough are issued on the condition that the applicant comply with Federal and State wetlands regulations.

### 504. <u>SETBACKS FROM SURFACE WATERS.</u>

- A. <u>Intent.</u> To protect the water quality of surface waters in the Borough, to preserve physical access to surface waters in case of future public acquisition, to minimize erosion and sedimentation, to preserve the natural stormwater drainage system of the area and to conserve sensitive wildlife and aquatic habitats, and to provide for setbacks that can be used as required yard areas for a use.
- B. <u>Setbacks From Major Surface Waters</u>. No building, off-street parking or commercial or industrial storage or display area shall be located within 75 feet of the top edge of each closest bank of a major surface water. See the Borough floodplain map in case a wider area is regulated under the Floodplain Ordinance. The exact location of the top edge of the bank shall be determined by the Borough Engineer. Major surface waters are defined as the Bushkill Creek.
- C. <u>Exemption</u>. The setbacks of this Section shall not apply to public utility facilities or publicly-owned recreational facilities.
- D. <u>Setback Areas and Construction</u>. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed.
- 505. <u>FLOODPLAIN AREAS.</u> The requirements of the Borough Floodplain Ordinance, as amended, shall apply, and are hereby incorporated into this ordinance by reference.

### 506. STORAGE OF EXPLOSIVE AND HAZARDOUS SUBSTANCES.

- A. No aboveground or surface storage of potentially explosive or hazardous liquids, gases or chemicals in any quantity in excess of 250 cubic feet in volume shall be stored or maintained within 150 feet of a residential district boundary or abutting dwelling, except for the following substances for on-lot use: building heating fuels, fire suppression chemicals, fertilizers, janitorial chemicals and printing supplies.
- B. All outdoor bulk aboveground or surface storage facilities areas for potentially explosive or hazardous liquids, gases or chemicals shall be enclosed by a secure chainlink or similar fence with a minimum height of 7 feet, and shall include a sign stating their contents.
- C. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterbody.
- D. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to a engineered collection area.

### 507. SEWAGE DISPOSAL.

- A. All methods of sewage and waste treatment and disposal shall meet the requirements of PA. DER and be in accordance with the Official Borough Sewage Facilities Plan, as amended, when applicable.
- B. <u>Recertification of On-Lot Systems</u>. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.
- C. <u>Back-Up System</u>. Any lot using an on-lot septic system that is granted final subdivision approval after the adoption of this section shall include an open, unpaved land area that is tested by the Borough Sewage Enforcement Officer and found to be a generally suitable area for the installation of a second system if the first system failed. This requirement for an alternative system location shall not apply if the applicant proves to the satisfaction of the Zoning Officer that public sewage service can be reasonably expected to serve the lot within 3 years from the date of occupancy.
- D. <u>On-Lot Systems and Lot Area</u>. The minimum lot areas shall not apply if a testing of a site for a septic system results in a determination by the Sewage Enforcement Officer that a larger lot area is needed, in which case that larger lot area shall be the minimum.

E. <u>EDU</u>. For all non-residential uses not connected to an approved central sewage treatment system that meets both State and Borough requirements, an amount of wastewater shall not be generated for treatment through an on-site absorption area that is greater than an average of one equivalent dwelling unit per acre of lot area.

### 508. NOISE.

A. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in this Section in the following table, when measured at or within a lot line of the receiving lot or district boundary:

Sound Level Limits	by Receiving Land Use	and Time
Receiving Land Use Category or District	Hours	Sound Level Limit
Residential District or Lot Line	1) 7 a.m. to 9 p.m. other than Sundays	57 dBA
of an Existing Dwelling or Hospital	2) 9 p.m. to 7 a.m. plus all day Sunday and Federal holiday	
Commercial or CR District	At all times	65 dBA
Industrial District	At all times	72 dBA
Note- dBA means "A" weighted decibel.		

- C. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA.
- D. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
  - 1. Sound needed to alert people about an emergency.
  - 2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.
  - 3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
  - 4. Agricultural activities, including permitted animal husbandry, but not exempting a commercial kennel.

- 5. Motor vehicles traveling on State-owned streets, railroads and aircraft.
- 6. Public celebrations specifically authorized by the Borough Council or a County, State or Federal Government agency or body.
  - 7. Unamplified human voices.
  - 8. Routine ringing of bells and chimes by a place of worship or municipal clock.
- 509. <u>VIBRATION</u>. No use shall generate vibration that is perceptible to an average person through his or her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration.

### 510. ODORS AND OPEN BURNING.

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- A. Odors. No use shall generate odors that are seriously offensive to persons of average sensibilities beyond the boundaries of a lot line. This shall not apply to odors created by permitted agricultural uses that are using "normal farming practices" within Act 133 of 1982, as amended, the State "Right to Farm Act." This section shall apply to uses that do not follow the farming practices referenced in that State law, such as if a use does not plow under manure within the specified period of time.
- B. Open Burning. See the Borough Open Burning Ordinance, as amended.

#### 511. LIGHT, GLARE AND HEAT CONTROL.

- A. <u>Street Lighting Exempted.</u> This Section 511 shall not apply to street lighting that is owned or maintained by the Borough or the State.
- B. All uses or sources, including signs, shall minimize the production of light, heat or glare that is perceptible beyond any property line of the lot on which the light, heat, or glare is produced.
- C. <u>Height of Lights</u>. No luminaire, spotlight or other light source that is within 200 feet of a dwelling or residential district shall be placed at a height exceeding 40 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.
- D. <u>Diffused</u>. 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 or adjacent lots. No spotlight shall be directed such that the bulb itself is directly visible from a public street or dwelling.

- E. <u>Shielding</u>. 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 or residentially-zoned areas, and to prevent the lighting from shining into the eyes of passing motorists.
- F. Maximum Candlepower. No lighting source, including signs, shall spillover a property line in such a way as to cause an illumination of greater than the following amounts, measured on the surface at the lot line of the receiving lot or street:
  - 1. 0.3 footcandle spillover at 10 feet inside a residential lot line between the hours of 10 p.m. and 6 a.m.
  - 2. 1 footcandle spillover at 10 feet inside a residential lot line between the hours of 7 p.m. and 10 p.m.
- G. <u>Flickering</u>. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 12th.
- H. <u>Measurement</u>. The maximum illumination levels of this Section shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. A foot-candle is defined as a unit of measurement equalling the illumination on a surface 1 square foot in area where there is a distribution of light having a candlepower of 1 candela.

# 512. PLACEMENT AND SCREENING OF WASTE CONTAINERS AND OUTDOOR MACHINERY AND FENCING OF STORAGE.

- A. <u>Placement.</u> Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed on a side of a building that does not face an abutting existing dwelling, residential district or other noise-sensitive use.
- B. <u>Safety.</u> Hazards involving outdoor machinery and storage shall be well-marked.

### C. Solid Waste Containers.

- 1. Screening. All trash dumpsters shall be screened on 3 of 4 sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall or evergreen plants shall be used for such screening.
- 2. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 10 cubic feet shall be kept a minimum of 10 feet from a dwelling unit on an abutting lot.

3. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain adequate outdoor solid waste receptacles at convenient locations ont he property for customer use.

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D. <u>Fencing of Outdoor Storage</u> Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land, and stationary hazardous machinery and equipment that are outdoors shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of 10 to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer, that such fencing or walls are not needed.

### ARTICLE VI

# OFF-STREET PARKING AND LOADING

#### 601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES,

#### A. Requirement.

- 1. Each use that is newly developed, enlarged, significantly changed in type, or increased in number of establishments shall develop and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
- 2. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
- 3. Where a proposed use 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, except as may be allowed under Section 601.B.
- 4. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

### B. Conditional Reduction in Parking Spaces.

- 1. Intent. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.
- 2. The Zoning Hearing Board may permit a reduction, through the Special Exception process of Section 119, of the number of parking spaces required to be initially developed, provided each of the following conditions are met:
  - a. The Applicant shall demonstrate to the Board, using existing and projected (five years) employment, customer, resident or other relevant data, that a reduction in the off-street parking spaces to be initially developed as required by Section 1701.A. is warranted.
  - b. The Applicant shall submit plans that show how the total parking required by Section 601.A. could be accomplished if needed in the future by identifying the potential future parking areas on the official site plans.

TABLE 6.1
OFF-STREET PARKING REQUIREMENTS
(See definition of employee in Article II)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. AGRICULTURAL USES: 1. Crop Farming		Employee
2. Animal Husbandry		Employee
3. Kennel (Min. of 4)	1 per employee	15 animals of capacity
4. Plant Nursery	1 per employee	100 sq. ft. of indoor sales floor area
5. Stable, Non- Household (Min. of 2)	l per employee	8 animals of capacity
6. Seasonal Sale of Agricultural Products (Min. of 5)	1 per employee	100 sq. ft. of sa floor area
B. RESIDENTIAL USES: 1. Dwelling Unit	2 per dwelling unit, except 1 per 1 bedroom conversion apartment, and except an additional 0.5 per dwelling unit for a development of 10 or more dwelling units that does not abut a street that allows for on-street parking on at least 1 side in addition to 2 travellanes (this parking may be in overflow lots)	
2. Home Occupation	As determined to be necessary by the Zoning Hearing Board	Non-Resident Employee
3. Home Office	None additional required	

 USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Housing Clearly Restricted to Persons 60 Years and Older	0.75 per dwelling unit or rental unit	Non-Resident Employee
 5. Housing Clearly Primarily Serving Persons 70 Years and Older and/or Physically Handicapped	0.5 per dwelling unit or rental unit	Non-Resident Employee
6. Boarding House	l per rental unit or bed, whichever is greater, except l per 2 beds for a college fraternity or sorority	Non-Resident Employee
7. Group Home	See Section 402.A.	
C. INSTITUTIONAL USES: 1. Place of Worship	l per 3 seats in room of largest capacity	
2. Hospital	1 per 2 beds	0.75 Employee
3. Nursing Home	1 per 6 beds	0.75 Employee
4. Medical or Dental Office or Clinic	6 per doctor and 4 per dentist	Employee
5. Day Care Center	10 children with such spaces designed for safe and convenient drop-off and pick-up	0.75 Employee
6. School, Primary or Secondary	l per student aged 16 or older	Employee
7. Utility Facility	Vehicle routinely needed to service facility	
8. Dormitory	2 residents aged 16 or older	Non-resident employee
9. College, University or Trade School	1.5 students not living on campus who attend class at peak times	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
10. Library, Community Center or Cultural Center or Museum	1 per 500 sq. ft. of floor area accessible to patrons and/or users	Employee
11. Swimming Pool, Non- Household	1 per 40 sq. ft. of water surface, other than wading pools	Employee
D. <u>COMMERCIAL USES:</u>	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/2 per fuel nozzle	Employee
2. Vehicle, Boat or Manufactured Home Sales	1 per 15 vehicles, boats or homes displayed	Employee
3. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine	Employee
4. Restaurant, Fast Food (Min. of 20)	l per 2 seats	0.75 employee
5. Funeral Home	1 per 4 seats for visitor use	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
6. Indoor Recreation, Membership Club or Exercise Club	1 per 200 sq. ft. of floor area other than racquetball courts accessible to customers/members plus parking required by any additional use (such as restaurant) plus 2 spaces per racquetball court	Employee
7. Theater or Auditorium	1 per 3 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 9:30 p.m.	0.75 Employee
8. Outdoor Recreation (other than uses specifically listed in this table)	1 per 3 persons of capacity (50% may be on grass overflow areas)	0.75 Employee
9. Golf Driving Range	1 per tee	0.75 Employee
10. Miniature Golf	2 per hole	0.75 Employee
11. Golf Course	3 per hole	0.75 Employee
12. Bowling Alley	2 per lane plus 3 per pool table	0.75 Employee
13. Ice Skating/ Roller Skating	200 sq.ft. of floor area accessible to users	0.75 Employee
14. Hotel or Motel	l per rental unit plus l per 3 seats in any meeting room (plus any required by any restaurant)	0.75 Employee
15. Laundromat	1 per 3 washing machines	Employee
16. Office (min. of 3 per establishment)	1 per 225 sq. ft. of total floor area accessible to people or 1 per employee, whichever is greater	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
17. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 150 sq. ft. of floor area accessible to customers	Employee
18. Restaurant, Standard	1 per 3 seats	0.75 Employee
19. Retail Sales or Shopping Center (min. of 5 per establishment, except 10 per video rental store)	1 per 175 sq. ft. of total floor area, except 1 per 225 sq. ft. of total leasable floor area if such is greater than 20,000 sq. ft.	
20. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	l per 400 sq.ft. of floor area accessible to customers	
21. Tavern	1 per 30 sq. ft. of total floor area	
22. Adult Bookstore or Cabaret or Massage Parlor (min. of 10)	1 per 50 sq. ft. of total floor area	Employee
23. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
24. Bus Station, Inter- city	5 per loading/ unloading stall for buses	Employee
25. Car Wash	3 per washing lane or stall	0.75 Employee
26. Automatic Transaction Machine	3 per machine, conveniently located	
27. Haircutting/ hairstyling	2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	Employee
27. Veterinarian Office	5 per veterinarian	Employee

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Land of the second of the seco	USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
	E, 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 Ordinance	
	All industrial uses (including warehousing, distribution and manufacturing)	0.9 per employee working on-site	Per Employee not working on-site but driving a company vehicle based at the site
	Self-Storage Development	1 per 15 storage units	Employee

### (Section 601.B. continued)

- c. The area reserved for possible future parking spaces shall comply with all requirements of this Ordinance that would relate to such spaces, and be generally physically suitable for such use.
- d. The Applicant agrees to enter into an agreement with the Borough requiring the Applicant to i) maintain the area reserved for possible future parking with a natural groundcover unless it is needed for parking and ii) to develop some or all of these areas into additional parking if at any time the Board determines that the additional parking is needed. This agreement shall be recorded to the deed as a covenant running with the land.
- e. The Zoning Officer shall bring the parking reduction agreement to the Board for reconsideration if the Zoning Officer determines that the reduced parking is not meeting actual needs, based upon field investigations.

#### 602. GENERAL REGULATIONS FOR OFF-STREET PARKING,

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a public nuisance, hazard or impediment to traffic off the lot.
  - B. Existing Parking. Structures and uses in existence at the effective date of this Ordinance shall not be required to add additional parking spaces to meet the requirements of this Article unless the general type of use is significantly changed or the use is expanded. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
  - C. Change in Use or Expansion. If a building or use: a) significantly changes in type of use or expands by a measure used in this Article to determine parking need (such as floor area, maximum number of employees, number of dwellings units or seating capacity), and b) if such expansion or change would increase the number of required parking spaces by at least 10 percent or 25 spaces, whichever is less, then the use shall provide the total number of parking spaces that would be required if the entire existing and proposed uses would be newly developed under this Article, instead of only being required to provide the additional uses for the change or expansion.
  - D. <u>Continuing Obligation</u>. All required numbers of parking spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance.
  - E. <u>Conflict With Other Uses</u>. No required parking area shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking to serve a use.
  - F. <u>Location of Parking</u>. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a permanent method of providing the spaces is available using area of a lot within 250 feet of the principal use being served.

### G. Joint Parking Lots.

- 1. Two or more uses may provide their required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually (except as provided below).
- 2. Under Section 601.B. the applicant may prove that parking requirements should be reduced because the uses would have different peak parking times or have overlapping customers.

3. If 2 separate principal business uses on separate abutting lots develop a shared driveway system and an integrated shared parking lot, the number of required parking spaces for each use shall be reduced by 10 percent.

# 603. <u>DESIGN STANDARDS FOR OFF-STREET PARKING</u>.

### A. General Requirements.

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- 1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court.
- 2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
- 3. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.
- 4. No parking or other paved area shall be located within 10 feet of a septic system absorption field.
- 5. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.
- 6. Separation from Street. All areas for off-street parking, offstreet loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot.
- 7. Stacking. 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.

# B. Size and Marking of Parking Spaces.

- Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except:
  - a. that the minimum depth shall be 22 feet for parallel parking.

- b. that if a lot includes more than 100 parking spaces, a maximum of 20 percent of the required spaces may be a rectangle with a minimum width of 8 feet and a minimum length of 16 feet, provided that those spaces are marked as "Compact Cars Only" and provided that those spaces are distributed in different portions of the lot and do not include the most desirable spaces in the lot.
- 2. All spaces shall be marked to indicate their location, except those of a single family or two-family dwelling.

#### C. Aisles,

1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

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

- 2. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for areas of parking that are clearly primarily for employees.
- 3. Maximum length of parking aisle- 200 feet.

#### D. Access Drives and Driveways.

1. Width of Driveway/Accessway at Entrance onto Public Street (at the edge of the cartway) 1-Way Use 2-Way Use

Minimum12 feet20 feetMaximum35 feet50 feet

- 2. Maximum Grades of Driveway.
  - a. Driveway serving 1 dwelling unit or agricultural use -12% maximum grade.
  - b. Any other driveway or accessway 10% maximum grade.
  - c. Initial 20 feet from the edge of a cartway of a public street- maximum of 5% grade.
  - d. Any stricter requirements that may be in the Subdivision and Land Development Ordinance shall apply.
- Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.

- 4. Separation Between Driveways. At least 50 feet shall be provided between any 2 accessways or driveways along one street within one lot.
- 5. Separation from Intersection. If a driveway or accessway enters onto a collector or arterial street, then the centerline of that driveway or accessway where it enters the collector or arterial street shall be a minimum of 75 feet from the centerline of any other street, where that street enters the collector or arterial street at a different point that the driveway or accessway.
- 6. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.
- 7. Sight Distance for Driveways. See Section 803.C.2.

# E. Paving, Grading and Drainage.

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- 1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
- 2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt or concrete, except that portions or all of parking areas may be left in grass or gravel where the applicant proves to the full satisfaction of the Zoning Officer that: a) the nature and extent of the use of the parking area would not cause any need for paving and b) dust will be adequately controlled on any gravel areas.

# F. Lighting of Parking Areas.

- 1. Any parking area of 10 or more spaces designed for use during night hours shall be adequately illuminated for security purposes at no cost to the Borough.
- 2. See also Section 511 "Light, Glare and Heat Control."

# G. Paved Area Setbacks (including Off-Street Parking Setbacks).

 Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.

- 2. Uses Within the Paved Area Setback. The paved area setback required by this section, together with any existing street right-of-way area that is not used as a cartway, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following: a) paving, except for approved driveway/ access drive entrances and except any concrete sidewalks or asphalt bikepaths of 8 feet wide or less, b) fences or c) parking, storage or display of vehicles or items for sale or rent. A paved area setback may include the following: a) permitted freestanding signs, b) storm water facilities that are not impervious, c) concrete sidewalks or asphalt bikepaths of 8 feet wide or less or d) approved driveway crossings.
- 3. Any commercial, industrial, institutional, townhouse or garden apartment use shall provide paved area setbacks as follows:

If a paved area abuts:	(measured from exi	imum paved area setback isting legal after development)
Expressway or expressway raterial street:	ашр	
- for lot with 2 acres or 1 impervious coverage	less of	10 feet
- for lot with more than 2 impervious coverage	acres of	20 feet
Collector or local street:		5 feet

- 5. Buffer Areas Between Uses. See Section 803.
- 6. Paved Setback from Commercial and Industrial Buildings. All paved areas, shall be setback a minimum of 5 feet from the exterior structural walls of any commercial or industrial building. This setback shall not apply to the following: a) concrete sidewalks, b) paved walkways to reach doors, c) driveways entering a garage, interior parking, loading/unloading area, vehicle service bay or carport or d) drive-thru pick-up windows. This setback is intended to allow sufficient area for firefighting, sidewalks and foundation landscaping, and to provide safety against vehicles hitting walls.

# H. Paved Area Landscaping (Parking Lot Trees).

- 1. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.
- 2. Any lot that would include more than 25 parking spaces shall be required to provide landscaped areas within the paved area. A maximum of 15 consecutive and contiguous parking spaces in a row shall be allowed without being separated by a landscaped area.

- 3. One deciduous tree shall be required for every 3,000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this Ordinance or by the Subdivision and Land Development Ordinance.
  - 4. Trees required by this section shall meet the following standards:
    - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

# TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - American Red Maple
Acer saccharum - Sugar Maple
Celtis occidentalis - Common
Hackberry
Fagus sylvatica - European Beech
Fraxinus americana - White Ash
Fraxinus pennsylvania - Green Ash
Ginko biloba fastigiata - Maiden
Hair Tree (male only; female
has noxious odor)

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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

- Note- This ordinance only regulates the species of trees are used to meet requirements of the Borough. The species of trees that are not required by Borough ordinances are not regulated.
  - b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
  - c. Minimum Size. The trunk diameter (measured at a height of 1 foot above the finished grade level) shall be a minimum of 2 inches or greater.
  - d. Planting and Maintenance. Required trees shall be:
    - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air,
    - (ii) properly protected by raised curbs, distance or other devices from damage from vehicles,
    - (iii) surrounded by a minimum of 12 square feet of pervious ground area,

(iv) properly maintained.

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- e. A required tree shall not be removed without being replaced by another tree that meets the requirements of this section. Trees which have died or have become diseased or pest ridden within 18 months from the time of planting shall be replaced by the developer.
- 5. A substantial proportion of the trees required by this section should be planted within the parking lot within protected islands. These protected islands should be used to direct the flow of traffic through the parking lot in a smooth and safe manner to prevent "cross-taxiing." Required trees are also encouraged to be planted in highly visible locations, especially at the edge of parking areas abutting arterial streets.
- 6. Existing Trees. For every existing tree on the lot that is healthy and is protected and preserved and maintained after the completion of all construction and that would generally meet the requirements of this section:
  - a. 1 less deciduous tree shall be required to be planted for every such preserved tree with a minimum trunk diameter of between 4 and 18 inches (measured 1 foot above the natural ground level), and
  - b. 2 less deciduous trees shall be required to be planted for every such preserved tree with a minimum trunk diameter of 18 inches or greater (measured 1 foot above the natural ground level).
- I. Parking Lot Screening. To prevent vehicle headlights from shining directly into a dwelling located within 150 feet of a parking area of 5 or more spaces, such parking area shall be required, as needed, to use one or more of the following methods: wooden fencing, decorative masonry walls or evergreen screening. Such barriers shall have a minimum height of 4 feet, except that a barrier of up to 8 feet shall be required by the Zoning Officer as needed because of the topography or because the parked vehicles would be trucks or buses.

### J. Handicapped Parking.

- 1. Number of Spaces. Any lot including at least 10 off-street parking spaces shall include a minimum of one handicapped space. A minimum of 3 percent of all off-street parking spaces required for a use shall be handicapped spaces.
- 2. Location. Handicapped parking spaces shall be located where they would result in the shortest possible accessible distance to an accessible building entrance.
- 3. Minimum Size 13 by 18 feet for each space.

4. Slope. Handicapped parking spaces shall be located in areas of less than 5 percent slope in any direction.

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# 604. PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS AND UNREGISTERED VEHICLES.

- A. <u>Purpose</u>. To prevent the character of residential areas from being harmed by nuisances from smells and noise from commercial vehicles.
- B. <u>Definitions.</u> For the purposes of this section, the following terms shall have the following meanings:
  - 1. Commercial Vehicle. A motor vehicle that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).
  - 2. Tractor. A truck that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
  - 3. Trailer. A commercial vehicle with a length of 15 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle".
- C. <u>Exceptions</u>. This section does not apply to the following, provided they are in an operational condition:
  - 1. Municipaly-owned vehicles

designed between the

- 2. Ambulance, fire and rescue vehicles
- 3. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
- 4. Recreational vehicles (see definition in Article II and regulations in Section 403)
- 5. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
- 6. Vehicles actively engaged in the construction or repair of streets, curbs, sidewalks or utilities in the immediate area
- 7. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
- 8. Equipment and vehicles clearly primarily intended for agricultural use
- 9. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.
- D. Storage of Commercial Vehicles in Residential District. The following shall apply to any residential lot of less than 10 acres in a residential district:

- a maximum of 1 commercial vehicle with a gross weight exceeding 15,000 pounds or with greater than 2 axles or any tractor (as defined by this Section) shall be parked, stored or otherwise kept, and such shall occur only during a maximum total of 48 hours in any 7 day period.
- 2. no tractor shall be maintained or repaired, except for clearly emergency repairs.
- 3. no trailer shall be parked, stored, maintained or kept.
- 4. a maximum total of 2 commercial vehicles of any type shall be parked, stored or otherwise kept on a lot.
- E. Garbage Hauling Vehicle. No vehicle that has been used for the bulk hauling of household garbage shall be parked for more than 30 minutes of any day on a portion of a lot that is within 200 feet of a dwelling.
- F. <u>Nonconformities</u>. Any nonconforming condition or use that exists under any part of this Section 604, other than the customarily accessory parking of commercial vehicles on the lot of a lawful nonconforming principal business use, shall be made conforming within 120 days of the effective date of this Ordinance.

### G. Storage of Junk Vehicles.

- 1. On lots of less than 5 acres in a residential district, no "junk vehicle" (as defined by Article II) shall be parked or stored in any way that the vehicle is visible from a public street or an adjacent dwelling.
- 2. The following shall apply a) on lots of 5 acres or more in a residential district or b) on lots of any size in a non-residential district: a maximum of 2 "junk vehicles" shall be parked or stored in such a way that the vehicles are visible from a public street or an adjacent dwelling. This provision shall not apply to a permitted auto sales use, junkyard or auto repair garage, provided that the regulations for that use are met.

### 605. OFF-STREET LOADING.

### A. General Requirements.

- 1. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use.
- 2. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Commission, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

B. <u>Design and Layout of Loading Facilities</u>. Off-street loading facilities shall meet the following requirements:

1. Each off-street loadi	ng space shall be at	least (in feet):
Largest Type of Truck Intend	ed Minimum Width	Minimum Depth
Tractor-trailer	12 (except 11 if more than 5 such	50
	spaces on a lot)	
Trucks Other than tractor- trailers, pick-ups or vans	10	25
Pick-Up Truck or Van	9	18

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- 2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.
- 3. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street right-of-ways.
- 4. An appropriate means of access to a street shall be provided.
- 5. Paving, Grading and Drainage. See Section 603.E.
- 6. All such facilities shall comply with the lighting requirements of Section 603.F., the landscaping requirements of Section 603.G. and the noise limitations of Section 810.
- C. <u>Fire Lanes</u>. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Borough Fire Officials.

# ARTICLE VII

# SIGNS

# 701. SCOPE AND APPLICABILITY.

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- A. <u>Purposes of this Article</u>. To: promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure capability with the character of neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.
- B. <u>Permit Required.</u> A permit under this Ordinance shall be required for all signs allowed in any Zoning District except for signs listed in Section 703, and except for window signs that are not of a permanent nature, provided that they meet the other requirements of this Article. All signs shall comply with the regulations of this Ordinance. Only signs specifically permitted by this Ordinance shall be allowed.
- C. <u>Changes on Signs</u>. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance with this Ordinance.

# 702. <u>NONCONFORMING SIGNS</u>.

- A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. Any nonconforming sign which is removed, destroyed or damaged to an extent of 25 percent or more of its cost of replacement shall be replaced only with a conforming sign, except as below.
- B. The Zoning Hearing Board may by special exception allow the voluntary replacement of an existing lawful nonconforming signs with a new nonconforming sign, provided that the applicant proves to the satisfaction of the Zoning Hearing Board that the new sign would be substantially less nonconforming than the sign being replaced.
- 703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

		<u> </u>	<u> </u>		
e de la française de la companya de	TYPE AND DEFINITION OF SIGN	MAX. BO. PER LOT	MAX. AREA OF EACH OF 2 SIDES OF EACH SIGH OH RESI- DENTIAL LOTS OF LESS THAN 2 ACRES - sq.ft.	MAX. AREA OF EACH SIGN ON OTHER LOTS - sq.ft.	OTHER REQUIREMENTS
-	Agricultural Products Sign - Advertises the seasonal, temporary sale of agricultural products produced on the premises, or the seasonal sale of Christmas trees.	2	4	15	Shall only be posted during days when such products are actively offered for sale, up to a maximum of 90 days per year.
	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 recognized nonprofit organization.	2	4	15	Shall be placed a max. of 30 days prior to event and removed a max. of 10 days after event.
	Contractor's Sign- Advertises a building tradesperson who is actively conducting significant work on a particular lot that is not the tradesperson's place of business.	2	10	15	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward.
	Directional Sign- provides information indicating traffic direction, entry or exit, loading or service area, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	4	4, other than signs painted on pave- ment	
	<u>Flag</u> - a banner or pennant made of fabric or fabric-like plastic that is hung in such a way to flow in the wind and that includes some type of commercial message.	2	20	20	Flags of any nation or level of government or that only include colors and no commercial message are not regulated by this Ordinance.
	Garage Sale Sign- advertises an occasional garage sale, porch sale or auction.	2 per event	4	4	Shall be placed max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
	Historic Sign- memorializes an important historic place, event or person and that is authorized by the Borough or a County, State or Federal agency.				Not regulated by this Ordinance.
	Holiday Decorations- commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.				Not regulated by this Ordinance.
	Home Occupation Sign- advertises a permitted home occupation.	1.	2	2	Shall not be illuminated.

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TYPE AND DEPINITION OF SIGN	HAX. NO. PER LOT	MAX. AREA OF EACH OF 2 SIDES OF EACH SIGN ON RESI- DENTIAL LOTS OF LESS THAN 2 ACRES - sq.ft.	MAX. AREA OF EACH SIGR ON OTHER LOTS - sq.ft.	OTHER REQUIREMENTS
Identification Sign- only identifies the name and/or occupation of the resident and/or the name and/or use of a lot, but that does not include advertising.	1	2	6	
Not Visible Sign not visible from any public street or any exterior lot line.				Not regulated by this Ordinance.
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.				Not regulated by this Ordinance.
Open House Sign advertises the temporary open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 48 hrs. before open house begins, and be removed max. of 24 hrs. after open house ends.
Physically Carried Sign- physically carried by a person.				Not regulated by this Ordinance.
Political Sign- advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	3		15	Shall be placed a max. of 60 days prior to election or referendum and removed a max. of 10 days after such election or referendum.  If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
Proposed Development Sign—announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Borough, and which would involve a minimum of 10 dwelling units or a nonresidential use.	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Borough, and shall be removed when any of the following occur:  1) if such plan is rejected or permanently withdrawn, 2) for a residential development, when all of the approved units are sold or 3) for a nonresidential development, when a permanent sign is placed.
Public Services Sign- advertises the availability of restrooms, telephone, meeting times and places of service organizations or other similar public convenience.	No max.	2	2	

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TYPE AND DEPINITION OF SIGH	MAX. RO. PER LOT	MAX. AREA OF EACH OF 2 SIDES OF EACH SIGN ON RESI- DENTIAL LOTS OF LESS THAN 2 ACRES - Eq.ft.	MAX. AREA OF EACH SIGN ON OTHER LOTS - sq.ft.	OTHER REQUIREMENTS
Real Estate Sign- advertises the availability of property on which the sign is located for sale, rent or lease.	1	4	15	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 30 days after agreement of sale, rent or lease is signed.
Required Sign- only includes information required to be posted outdoors by a government agency or the Borough.				Not regulated by this Ordinance.
Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.				Not regulated by this Ordinance.
Special Sale Displays - promotional banners, balloons, floodlights, lasers or nongovernmental flags used by a business to attract special attention.	No max.	Not per- mitted	No max.	Shall be placed on a lot a max. total of 15 days in any calendar year, and only on lots including a commercial use.
Time and temperature Sign- with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not per- mitted	40	
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 max.	4	4	
Very Small Sign have an area of less than 1 sq. ft. and that cannot be read by a person of normal eyesight from a public street or exterior lot line.				Not regulated by this Ordinance.

<sup>704.</sup> FREESTANDING AND WALL SIGNS. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 713.

II ZONING	MAXIMUM HEIGHT OF FREE- STANDING SIGNS *	MAX. SIGN AREA OF WALL SIGNS (Permitted on a max. of two building faces)	MAX. SIGN AREA OF WINDOW SIGNS (Max. of 1 side per sign)	MAX. SIGN AREA (each of 2 sides) AND NUMBER OF FREE-STANDING SIGNS
CR and Residential Districts- special exception uses (not including accessory uses), conditional uses, places of worship & golf courses	8 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located, up to a max. of 24 sq. ft. per building face.	Max. of 5% of the area of the building face on which the sign(s) are located	Max. of 1 sign with an area of 15 sq. ft. per side
CR and Residential Uses- other than uses listed above	Not per- mitted	Not permitted	Not per- mitted	Not permitted
Commercial District(s)- Single use on a single lot	18 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which such signs are located	Max. of 2 signs, one with a max. area of 32 sq. ft. per side and the second with a maximum of 6 sq. ft. per side. **
Commercial District(s)- More than one use on a lot	18 feet	Max. total of 15% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which such signs are located	Maximum of 2 signs, one with a max. sign area of 50 sq. ft. per side and the second with a maximum of 6 sq. ft. per side. **

ZONING DISTRICT OR TYPE OF USE	MAXIMUM HEIGHT OF FREE- STANDING SIGNS *	MAX. SIGN AREA OF WALL SIGNS (Permitted on a max. of two building faces)	MAX. SIGN AREA OF WINDOW SIGNS (Max. of 1 side per sign)	MAX. SIGN AREA (each of 2 sides) AND NUMBER OF FREE-STANDING SIGNS
Industrial District(s)	10 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located, up to a maximum of 200 sq. ft.	Max. total of 20% of the area of the building face on which such signs are located	Maximum of 2 signs, one with a max. sign area of 50 sq. ft. per side and the second with a maximum of 6 sq. ft. per side.

- \* See definition of Sign Height in Section 711.
- \*\* A third sign shall be permitted with a max. sign area of 50 square feet if the lot has frontage on 2 arterial streets, includes more than 10 establishments or has more than 400 feet of frontage on 1 street.
- B. <u>Minimum Height of Freestanding Signs</u>. Freestanding signs shall be raised above the ground as necessary to ensure proper sight distances along streets, as established in Section 803.
- C. <u>Maximum Height of Wall Signs</u>. The maximum height of wall signs shall be equal to the total height of the building to which they are attached.
- D. Only those types of signs specifically permitted by this Article in a specific district shall be permitted in that district.

# E. Signs on Mobile Stands.

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- 1. Intent. These standards recognize signs on mobile stands as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
- 2. A Sign on a Mobile Stand, including any such sign that may have been displayed prior to the adoption of this Ordinance and which does not have a lawful permit as a permanent sign, shall only be permitted if it meets all of the following requirements:

- a. Shall be permitted only in the Commercial District.
- b. Shall have a maximum sign area of 50 square feet on each of a maximum of two sides.
- c. Shall only include 1 such sign per principal use or per lot, whichever is more restrictive.
- d. Shall need a sign permit, which shall state the dates during which the sign may be displayed.
- e. Shall only be displayed on a lot for one period per year, which shall not exceed 30 days only a calendar year. Refusal to remove the sign after the 30 days shall constitute a zoning violation.
- f. Shall not obstruct safe sight distance to vehicles within or off the lot. Shall not be placed within the existing street right-of-way.
- g. Shall not include flashing or blinking lights.
- 705. <u>ABANDONED OR OUTDATED SIGNS</u>. Signs advertising a use no longer in existence or a product no longer available shall be removed, painted to be blank or changed to advertise the new use or product within 60 days of the cessation of the original use.
- 706. LOCATION. The following shall regulate the location of signs:
  - A. <u>Setback From Streets</u>. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within 10 feet of or project over any existing street right-of-way.
  - B. <u>Sight Distance</u>. No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803 or safe sight distances for vehicles within a lot.
  - C. <u>On-Premises</u>. 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. <u>Setbacks</u>. No sign for a commercial or industrial business shall be located within 25 feet of the lot line of an existing principally residential use or undeveloped residentially zoned land. A sign is not required to meet setback requirements for accessory structures.
  - E. <u>Permission of Owner.</u> No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

# 707. <u>ILLUMINATION OF SIGNS.</u>

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- A. See Section 514, "Light, Glare and Heat Control."
- B. <u>Times of Illumination</u>. It is strongly encouraged that signs within 200 feet of a dwelling or a residential district not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

- 708. VEHICLE 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 be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.
- 709. <u>SIGNS PROHIBITED IN ALL DISTRICTS</u>. The following signs are prohibited in all zoning districts:
  - A. Spinners, pennants or any moving object used to attract attention to a commercial use. Flags and banners that contain a commercial message, except as is permitted by Section 703.
  - B. Flashing, electronically changing message, blinking, twinkling, animated or moving signs of any type, except time and temperature signs. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 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 may be used for any purpose not permitted under the applicable provisions of this Ordinance.
  - 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.
  - F. Signs that use reflective materials to give the appearance of flashing, blinking, twinkling or electronically changing messages.
  - G. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.
  - H. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes, except as provided as a "special sale sign."
  - I. Floodlights and Lasers. These are only permitted as a "special sale sign" under Section 703.
- 710. <u>SIGNS AND/OR STRUCTURES IDENTIFYING MAJOR RESIDENTIAL OR BUSINESS DEVELOP-MENTS.</u> The following signs are permitted by right in all districts, provided that they meet the following requirements.

- A. When Allowed. Signs and any supporting structure (as described in this section) are allowed for developments that have been approved to involve either: 1) a total of 10 or more dwelling units or 2) a total of 5 or more office, commercial, industrial or institutional establishments on a minimum total of 3 acres of land.
- B. <u>Size and Number.</u> Signs described in this section may have a maximum sign area of 25 square feet and a maximum height of 8 feet. These signs and/or structures may be located one each a maximum of 3 of the major entrances to the development from exterior streets. This sign area may be an addition to other sign area limits of this Ordinance. The signs may be attached to a brick or wooden structure with a maximum height of 8 feet and maximum length of 20 feet.
- C. <u>Durability</u>. Such signs shall be designed to be of a durable construction requiring little maintenance.
- D. <u>Message</u>. Such signs may only include the name of the development, and any logo. A phone number may be included during sale or rental of the development. Such signs shall not include any advertising.
- E. <u>Landscaping</u>. Such signs shall be attractively landscaped, with plants and shrubs requiring minimal maintenance.
- F. <u>Location</u>. Such signs and structures shall be located outside of the existing and future street rights-of-way lines and shall satisfy the sight distance requirements of Section 803.
- G. <u>Maintenance</u>. If such signs are intended to remain beyond the completion of a developer's involvement in a project, the developer shall provide an appropriate method to ensure proper maintenance of the sign.
- H. Illumination. Such signs may not be illuminated.
- I. <u>Directional Signs Within a Major Business Development.</u>
  - 1. When Allowed. A directional business sign is allowed at each intersection of 2 or more streets within an office, commercial or industrial development that involves a total of 20 or more acres.
  - 2. Size. Each sign may have a total square footage of 120 square feet. The sign shall be an orderly single structure and may include on it the names and logos of all the businesses located in the development, along with directional arrows and a map.
  - 3. Purpose. The signs allowed by this subsection are to direct visitors to businesses. These signs are not intended for routine advertising purposes.
  - 4. Illumination. Such signs may be externally but not internally illuminated.

- J. <u>Directional Signs Within a Townhouse or Garden Apartment Development</u>. Within a development that includes 50 or more townhouse or garden apartment dwelling units, nonilluminated signs with a maximum sign area of 6 square feet each may direct visitors to or identify different buildings or units of the development. These signs may be freestanding or attached to a building or structure.
- 713. MEASUREMENT AND MAJOR TYPES OF SIGNS. The following regulations shall be used in determining whether signs meet the measurement and type requirements of this Article:
  - A. <u>Building Face</u>, The vertical area of a particular side of a building, but not including the area of any slanted roof.
  - B. <u>Freestanding Sign.</u> 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.
  - C. <u>Height of Sign</u>. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure.
  - D. <u>Illuminated Sign</u>, <u>Externally</u>. A sign illuminated by light outside of the sign instead of within the sign.
  - E. <u>Illuminated Sign. Internally.</u> A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign.
  - F. Off-Premise Sign. See Article II.
  - G. <u>Proposed Development Sign</u>. A sign that may or may not be attached to a supporting wall that announces a proposed subdivision or land development for which a plan has been submitted to the Borough and which meets the applicable standards of this Article.
  - H. Sign. See Article II.

### I. Sign area.

- 1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the total area of all signs on the structure.
- 2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.

- 3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
- 4. In computing the permitted sign area of a sign with two sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ). If the interior angle formed at the inside of the two sides of a two-sided sign is greater than 60 degrees, then the total area of both sides shall not be greater than the permitted total sign area. No sign shall have more than two sides or faces.
- 5 Unless otherwise specified, all square footages in regards to signs are maximum sizes.
- J. <u>Sign on Mobile Stands</u>. A freestanding sign that is attached to a chassis that allows it to be towed from one location to another and that has no permanent foundation. See Section 704.
- K. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 18 inches from such wall.
- L. <u>Window Sign.</u> 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.
- 712. <u>CONSTRUCTION</u>. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated may be repaired or removed by the Borough at the expense of the owner or leasee of the property on which it is located.

### 713. OFF-PREMISE SIGNS (Including Billboards).

A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the Borough planned to remain agricultural or as conservation areas; avoid the creation of additional visual distractions to motorists, especially along the high speed Route 33 and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and

electronic media; recognize that this Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than on-premise signs; carry out the purposes listed in Section 701.

- B. <u>Nonconforming Off-Premise Signs</u>. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. <u>Commercial and Noncommercial</u>. This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Ordinance.
- D. <u>PennDOT Sign.</u> Signs erected and maintained by the Pennsylvania Department of Transportation are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.
- E. <u>Permitted Off-Premise Signs</u>. Based directly on the intent statements within this Ordinance, off-premise signs are only permitted if they meet the following requirements, except for exempt signs under Section 703.
  - 1. District. An off-premise sign is only permitted in the LI District.
  - 2. Location. An off-premise sign is only permitted within 2,000 feet of existing right-of-way of an expressway.
  - 3. Maximum Sign Area 300 square feet.

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- 4. Spacing. Any off-premise sign shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of an expressway and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign.
- 5. Maximum Height 80 feet. See definition in Section 711.
- 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign. Off-premise signs shall have a maximum of 1 sign face.
- 7. Lighting and Glare. See standards in Section 511.
- 8. Residences. No off-premise sign shall be located within 1,000 feet of an existing dwelling or residentially zoned land.

# ARTICLE VIII

# GENERAL REGULATIONS

### 801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS.

- A. Frontage Required onto Improved Street.
  - 1. Every principal building shall be built upon a lot with permanent access upon a public street or upon a private street improved to meet Borough standards, including a street right-of-way, or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Borough Subdivision and Land Development Ordinance. In the case of townhouses or garden apartments, this requirement may be met by access onto a parking court which has access onto such street.
  - 2. If a pre-existing lawful lot only has access onto an existing private street that does not meet Borough standards and the improvement of that street is reasonably beyond the control of the applicant, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet this requirement.
  - 3. If an applicant only owns and/or controls land on one side of a street, such applicant is only responsible for: a) improvements along the side of the street that the applicant controls, b) paving of the cartway on the portion of the street from the centerline of the right-of-way to the applicant's property, c) any additional paving needed for adequate traffic flow and d) any needed stormwater improvements on both sides of the street.
- B. <u>Multiple Occupancy</u>. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Ordinance are satisfied.

# 802. HEIGHT EXEMPTION; ATRPORT APPROACHES.

A. The maximum structure height specified for each district shall not apply to farm silos, communications towers, amateur radio antenna, water towers, belfries or steeples of places of worship, electrical transmission lines, elevator shafts, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. For these exempted structures, the maximum height shall be 250 feet above the average surrounding ground level.

B. <u>Height and Airport Approaches</u>. At a minimum, any structure proposed to have a height of 75 feet or more above average surrounding ground level shall present sufficient information to the Zoning Officer to prove that the structure would comply with all applicable Federal, State and Borough requirements regarding airport approaches and warning lights.

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

### A. In General,

- No lot, structure or use shall be created or developed in such a
  way that it would result in another lot, building or use not being
  able to meet the requirements of this Ordinance. This includes, but
  is not limited to, setback areas, nonimpervious areas and offstreet parking areas.
- 2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.
- 3. Setbacks Not Applicable. See exemptions for certain structures in Section 403.
- 4. Accuracy. The applicant is responsible to make sure that all measurements submitted to the Borough are accurate.

### B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

- 1. Nonconforming Lots. See Section 806.
- 2. Through Lots. Any lot having frontage on 2 approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.
- 3. Corner Lots. Setback areas equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on existing developed adjoining lots fronting on the same street.
- 4. Projections Into Required Yards. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or chimneys 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 under a drainage or utility easement.
- 5. Septic Systems. Nothing in this Ordinance shall prevent the Municipal Sewage Enforcement Officer from requiring a minimum lot area larger than what is stated in this Ordinance to carry out State and Borough sewage regulations.

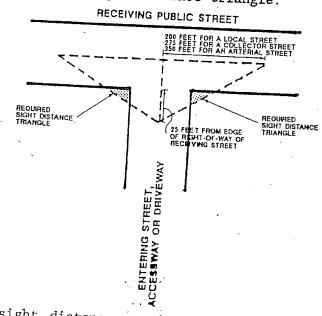
- 6. Previously Approved Setbacks. Where a residential subdivision was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, those approved setbacks may apply in place of the setbacks in this Ordinance.
- 7. In any Residential Zoning District where more than 75 percent of the residential block frontage has been improved prior to the effective date of this Ordinance with buildings having front yards of less depth than that required for the particular Zoning District, then, the required front yard setback may be decreased for such block to not less than the minimum of the majority of such buildings. Once established, this minimum building setback shall be regarded as the front setback for that block and maintained as such.

# C. Sight Distance at Intersections.

- 1. Sightlines at Intersections.
  - a. <u>Intent.</u> To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
  - b. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between the ground level and a height of 8 feet, including structures nontransparent fences, vegetation and signs (but not including sign posts of less than 1 feet in width or the trunks of deciduous trees).
  - c. This sight distance triangle shall be shown on an official site plan and on any record plan that may be required. Such triangle shall serve as a permanent setback line for all such visual obstructions, and shall be binding upon present and future owners of the land.
  - d. If a driveway, accessway or street would enter onto a State street, the required sight distance shown on the official plan shall be the applicable minimum sight distance required by PennDOT.

- e. If minimum sight distance requirements would not be established by PennDOT, then the sight distance triangle shall be as follows: the triangle shall be measured based upon the intersecting point of the centerlines of the street receiving the traffic and the entering street, accessway or driveway. triangle shall be established by a distance along the centerline The sight distance of the receiving street (established below) and a distance (measured along the centerline of the entering street, accessway or driveway) 25 feet back from the edge of the existing right-ofway of the receiving street. The following distances shall be used along the centerline of the receiving street in each direction from the intersection to establish the sight distance
  - 350 feet along the centerline of any arterial street, (1)
  - 275 feet along the centerline of any collector street, (iii) 200 feet along the centerline of any local street.

Required sight distance triangle:



- f. These sight distance requirements shall apply to all intersections involving a public street and another street, accessway or driveway, except these requirements shall not apply to an individual driveway serving only one or two dwelling units that enters onto a local or collector street.
- g. A sight distance triangle shall be apply for each direction of approach to an intersection.
- D. <u>Buffer Yards</u>. Buffer yards and screening complying with the following standards shall be required under the following situations:
  - 1. Buffer Yard Width, When Required. Buffer yards with evergreen screening shall be required in the following situations:

	When the Use Providing the ng: Screening & Buffer Is:	Width of Required Buffer Yard (in feet)
1. Any newly developed or expanded industrial use or industrial storage or loading area.	district or within 250 feet of an existing dwelling.	50
<ol> <li>Any newly developed or expanded commer- cial use.</li> </ol>	Abutting a residential district or within 250 feet of an existing dwelling.	30
3. Any newly developed or expanded industrial outdoor storage or area routinely used for the parking of 4 or more tractor-trailers.	Abutting the existing right-of-way of an expressway, arterial or collector street.	20, unless such area would be completely screened from view of such streets by buildings.
4. Any Use	Required to provide a buffer yard under another section of this Ordinance.	20, unless stated otherwise.

# 2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.
- b. Buffer yards shall not be within an future street right-of-way and shall be in addition to that right-of-way.
- c. 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 conflict.
- d. A business use shall not be required to provide a buffer yard for an adjacent residential use or district if they are separated by an expressway.

# 3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicular parking. No new driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- b. Maintenance. In all buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season natural ground cover (such as grass) and shall be kept free of debris and rubbish and shall not involve grass more than 8 inches in height.

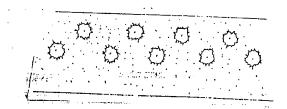
c. Preservation of existing vegetation or slopes. Where a buffer yard would be required and an existing tree line, thick vegetation or steep slopes presently serves as a natural buffer, this buffer shall be maintained for the width required under Section 803.D.l. If this requirement is violated, the applicant shall be required to plant a buffer yard that will be closely similar in effect, density and character to the buffer yard that was removed.

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- d. If a substantial natural berm or slope or dense vegetation will be maintained and will be substantial enough to meet the buffer provisions of this Section, or if topographic conditions or the creation of berming by the developer would clearly relieve the need and cause for screening, the Zoning Officer may waive the required evergreen screening.
- e. Fence. Any fence that may be constructed shall be on the inside of any required evergreen screening.

# 4. Planting Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line. Required screening shall be of permitted types of evergreen shrubs and trees. In addition, planting screens shall include an average of leciduous shade tree for every 50 feet of length of the buffer may be required in that location by Borough ordinances. Such shade trees shall meet the requirements for such trees listed in Section 603.
- b. Each planting screen shall be in accordance with the following requirements:
  - (i) Required evergreen plant materials shall have a minimum height when planted of 3 feet.
  - (ii) Plant materials used in the planting screen shall be of such species, spacing and size as can reasonably be expected to produce, within 5 years, a solid year-round visual screen at least 6 feet in height.
  - (iii) The planting screen shall be permanently maintained by the landowner and any plant material that is not alive 1 year after planting shall be replaced.
  - (iv) The planting screen shall be so placed that at maturity it will be at least 8 feet from any cartway and will not grow over an exterior lot line.
  - (v) The planting screen shall be broken only at points of vehicular or pedestrian access and shall comply with the sight distance requirements of Section 804.C.
  - (vi) Evergreen trees (as opposed to shrubs) shall be planted at off-sets to allow space for future growth, as seen in the sketch below.



# 5. Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
  - the location and arrangement of each buffer yard, (1)
  - the placement, general selection of species and initial size of all plant materials, and
  - (iii) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.
- 6. Species of Plants. Evergreen trees and shrubs shall be of the following species, unless applicant proves to satisfaction of the Zoning Officer that a substitution would be appropriate. If more than 25 evergreen plants are proposed to meet the requirements of this section, a maximum of 50% of such plants shall be of one
  - a. Evergreens Ilex opaca American Holly Picea omorika - Serbian Spruce Picea pungens - Colorado Spruce Pinus thunbergi - Japanese Black Pine Picea glauca - White Spruce Picea abies - Norway Spruce Pinus nigra - Austrian Pine Pinus strobus - White Pine Pseudotsuga taxifolia - Douglas Fir Tsuga canadensis - Canada Hemlock Tsuga caroliniana - Carolina Hemlock
  - b. Hedge -Buxus - Boxwood Cotoneaster divaricata - spreading cotoneaster Crataegus crusgalli - Cockspur Thorn Crataegua phanenopyum - Washington Hawthorn Elaeagnus angustifolia - Russian Olive Euonymus alatus - Winged Euonymus Viburnum - all varieties
  - c. Evergreen Shrubs Hamamelis vernalis Vernal Witch Hazel Hamamelis virginiana - Common Witch Hazel Juniperus virginiana - Upright Juniper Juniperus shinensis - Spreading Juniper Ilex - Japanese Holly Ilex verticillata - Winterberry Pinus Mugo - Dwarf Pine

Pyracantha lalandei - Laland Firethorn Rhamnus frangula - Glossy Buckthorn Taxus capitata - Upright or Spreading Yew Taxus hicksi - Hicks Yew Thuja occidentalis- American Arborvitae

# 804. LANDSCAPING.

- A. Groundcover. Any part of a commercial, industrial or institutional 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 natural groundcover, and shall be landscaped with trees and shrubs.
- B. See Section 603.H., Paved Area Landscaping, Section 602.I., Parking Lot Screening, Section 803.D., Buffer Yards and any Street Tree Requirements of the Subdivision and Land Development Ordinance.

# 805. ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTHS FOR STREETS.

- A. <u>Purpose</u>. Minimum future right-of-way widths are established for streets where the existing right-of-way is less than that indicated in this section for the particular class of street. These future rights-of-way are designed to reserve adequate rights-of-way for future circulation improvements, including street widenings, shoulders, bikeways and sidewalks, and to provide rights-of-way for needed public sewer and water lines.
- B. <u>Dedication of Future Right-of-Way</u>. See any requirements in the Borough Subdivision and Land Development Ordinance.

# C. Measurement.

- 1. The future right-of-way shall be measured with one-half on either side of the centerline of the existing right-of-way. If the existing right-of-way is clearly significantly off-center of the cartway, the centerline of the cartway shall be used.
- 2. The specific classification of each street is shown on the Borough Official Street Classification Map, at the end of this document.
- D. <u>Minimum Widths.</u> The following future rights-of-way for future circulation improvements shall be reserved along each street, unless a differing right-of-way is required by the Borough Subdivision and Land Development Ordinance:

Street Classification Expressway Arterial Street Collector Street Local and Private Street	Minimum Future Right-of-Way 120' 80' 60'
and Ilivate Street	50′

E. Ownership and Maintenance. Borough Council may require that the future right-of-way reserved by this section be dedicated to the Borough or PennDOT if Borough Council deems that the additional right-of-way is needed because of the impact or the burden of the proposed development on the street system. If the right-of-way is not dedicated or is not accepted by PennDOT or the Borough at the time of development of a use, that land shall remain a part of the adjacent lot and be reserved for future dedication until such time as the Borough or PennDOT may agree to accept dedication.

# F. Exceptions.

- 1 A future right-of-way shall not be required to be dedicated where the only activity being proposed is the development of single family detached residential lots or agricultural lots each of which will have a minimum lot area of 10 acres.
- 2. As a special exception, the Zoning Hearing Board may approve a reduction in the minimum future right-of-way where the applicant clearly proves to the satisfaction of the Zoning Hearing Board either of the following:
  - a. That the proposed use and/or subdivision is of such low intensity that it will not create any measurable additional impact on the adjacent street system, or
  - b. That it would be for practical purposes infeasible for the street to be substantially widened at any time in the future because of the existence of substantial existing buildings on both sides of such street within close proximity to such street and that the additional right-of-way is not needed for the extension of water and sewer lines.

# 806. <u>NONCONFORMITIES</u>.

- A. <u>Registration of Nonconformities</u>. It shall be the responsibility of an of 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
- B. <u>Continuation</u>. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners, provided that any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- C. Expansion of, Construction Upon or Change in Use of Nonconformities.
  - 1. Nonconforming Structure.
    - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

- (i) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and
- (ii) that any expansion will comply with the applicable setbacks in that District and other requirements of this Ordinance.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

# 2. Nonconforming Lots.

- a. 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 as a permitted by right use if all of the following requirements are met:
  - (i) The lot area is at least 30 percent of the minimum lot area.
  - (ii) The lot width is at least 30 percent of the minimum lot width.
  - (iii) The lot is a lot of record that lawfully existed prior to the adoption of this Ordinance or an applicable subsequent amendment.
  - (v) Minimum setbacks and other requirements of this Ordinance are complied with for any new construction or expanded area.
  - (vi) For construction of a new building to be served by an onlot septic system, the lot shall be able to comply with all State septic regulations, but shall not be required by this Ordinance to provide an alternative drainfield location.
- b. The Zoning Hearing Board may grant a special exception to reduce the required setbacks concerning construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
- c. Contiguous nonconforming lots under common or closely related ownership shall be combined to form lots that would be less nonconforming.
- d. If a proposed development on a nonconforming lot does not meet the requirements of the above Section 806.C.2. parts a. and b., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the State Municipalities Planning Gode, the Zoning Hearing Board shall also review whether

any reasonable alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts than the proposed use upon the established character of an existing residential neighborhood.

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- 3. Reconstruction or Expansion of a Nonconforming NonResidential Use. A nonconforming use or a building used by a nonconforming use shall not be reconstructed or expanded, except in accordance with the following provisions:
  - a. Such expansion or enlargement shall require special exception approval from the Zoning Hearing Board under Section 119.
  - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming, not including any land added by any future subdivisions.
  - c. The 1) total building floor area used by a nonconforming use or the 2) total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50 percent beyond each such measurement that existed in such use at the time such use becomes nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
- d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
- 4. Expansion of a NonConforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a monconformity is not made more severe (including the building area within the required setback area).

# D. Damaged or Destroyed Nonconformities.

- 1. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, and work begins in earnest within 12 months afterwards. A nonconformity may not be increased by any reconstruction.
- 2. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

3. Nonconforming Use of Open Land. All nonconforming off-premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost, shall not be continued, repaired or

# E. Abandonment of a Nonconformity,

- 1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section,
  - b. the accessory outdoor storage of junk as defined in Article II in a residential district on a lot of less than 10 acres that is visible from a street or adjacent dwelling shall be removed within 30 days of the adoption of this section.
- 2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned. Abandonment and the intent to abandon shall be presumed to commence on the date when substantial efforts to continue the use cease.
- 3. Nonconforming Use of Open Land. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for 30 days or more, the use shall not be continued, repaired or reconstructed, except for the parking of commercial and junk vehicles under Section 604.
- F. Floodplain. See the Borough Floodplain Ordinance, as amended.
- G. Changes from One Nonconforming Use to Another.
  - 1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
  - 2. A nonconforming use may be changed to another nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
    - Traffic generation (especially truck traffic), (a)
    - Noise, dust, fumes, vapors, gases, odor, glare, (b) vibration, fire and explosive hazards,
    - (c) Amount and character of outdoor storage, and
    - Compatibility with the character of the surrounding area. (d)

- H. <u>District Changes</u>. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.
- 807. TEMPORARY STRUCTURE OR USE. A temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses subject to the following additional provisions:
  - A. <u>Duration</u>. The Zoning Hearing Board shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of 6 days in any 60 day period. The Zoning Hearing Board may grant approval once for a recurring event.
  - B. Statement from Owner. Prior to the issuance of a permit for a temporary use or structure, the applicant shall present a statement from the owner of record of the land recognizing the application and accepting responsibility to ensure that the use or structure is removed once the permit expires.
  - C. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough. If the structure or use is not removed in a timely fashion after proper notification, the Borough may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
  - D. <u>Conditions</u>. The temporary use or structure shall: 1) be compatible with adjacent uses and 2) clearly be of a temporary nature.
  - E. <u>Construction Vehicle Parking and Temporary Offices</u>. See "Essential Services", a permitted by right accessory use, in Section 306.
  - F. <u>Tents</u>. This section shall not apply to tents erected for a maximum of 5 days in any calendar year for 1) routine and customary accessory non-commercial uses and for 2) routine and customary accessory uses to an existing commercial use, which are permitted by right.
  - G. Fee. Either the Zoning Hearing Board or the Borough Council may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
  - II. Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use it not permitted.
  - I. <u>Special Events</u>. For a special event that will attract significant numbers of the public, the Zoning Hearing Board shall deny the use if

it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

# 808. STORM WATER MANAGEMENT AND BONUS FOR RESOLVING EXISTING PROBLEMS.

- A. The requirements of this Section shall apply to all uses except if a different and more specific requirement is stated in the Borough Subdivision and Land Development Ordinance.
- B. <u>Review.</u> The Borough may submit any proposed storm water control methods to the Borough Engineer for review. All such methods shall follow standard professional practices, as determined by the Borough Engineer.
- C. Developments involving the addition of 5,000 square feet or more of impervious cover shall limit the rate of storm water runoff so that no greater rate of runoff will occur than occurred on the site prior to development, based upon a 5, 10 and 50 year storm, unless different year storms are specified in the Subdivision and Land Development Ordinance.
- D. <u>Calculations</u>. The applicant shall provide pre- and post-development calculations for all uses that involve an addition of 5,000 square feet or more of impervious cover. Where crop farming or disturbed earth exists on the site prior to development, meadow in good condition shall be used as the starting base for such calculations.
- E. The quantity, velocity and direction of resulting storm water runoff shall be managed in a manner as to adequately protect persons from possible injury, to prevent increased erosion and to avoid damage to property.
- F. <u>Watershed Plans</u>. Any watershed management plan officially adopted under Act 167 of 1978 shall govern the percentage of pre-development runoff that is released off the site after development.
- G. Bonus for Solving Existing Stormwater Problems.
  - 1. <u>Intent.</u> To provide incentives to developers to help to resolve preexisting stormwater problems.
  - 2. This section shall apply to a serious stormwater problem area, as identified in the Borough Comprehensive Plan, as amended.

- 3. If an applicant offers to put into place measures to resolve a serious pre-existing stormwater problem area, a bonus may be granted as a special exception by the Zoning Hearing Board under this section. It shall be the responsibility of the applicant to prove to the satisfaction of the Zoning Hearing Board, based upon review by the Borough Engineer, that the proposed measures would resolve the problem. No bonus shall be granted for any stormwater controls that would ordinarily be required under Borough ordinances, engineering reviews and State law.
- 4. If an applicant meets the requirements of these bonus provisions, the Zoning Hearing Board shall authorize by special exception the following:
  - a. an increase of 5% in the maximum impervious coverage above what would otherwise be permitted and
  - b. a decrease of 5% in the minimum lot area below what would otherwise be permitted.
- 809. <u>RECREATION LAND, OPEN SPACE AND FEES REQUIREMENTS.</u> See the requirements of the Borough Subdivision and Land Development Ordinance.

# APPENDIX A

# AIRPORT APPROACH REGULATIONS

- A.1. PURPOSE AND APPLICABILITY. This Appendix is primarily intended to protect the public health and safety by preventing obstructions that could pose a serious threat to aircraft as they approach or take off from an airport. This section is adopted under the authority of the Pennsylvania Airport Zoning Act of 1984, as amended. All provisions of the remainder of this Ordinance shall apply to the provisions of this Appendix, including but not limited to the enforcement provisions, except where the requirements of this Appendix clearly differ from such other provisions.
- A.2. <u>AIRPORT ZONING AGENCIES</u>. The Borough Planning Commission is hereby appointed to serve as the Borough Airport Zoning Planning Agency. The Borough Zoning Hearing Board is hereby appointed to serve as the Airport Zoning Board of Adjustment. Such agencies shall conduct such duties within the same procedures as are followed when conducting their primary role as the Planning Commission or Zoning Hearing Board.
- A.3. <u>AIRPORT ZONING MAP</u>. The "Airport Zoning Map" shall be the "Height Limitation and Zoning District Map" prepared under the direction of the Pennsylvania Bureau of Aviation and dated 1989, and as may be officially amended in the future by such agency. This Map and any subsequent official amendments are hereby incorporated by reference into this Appendix.
- A.4. <u>AIRPORT ZONES</u>. The following zones are hereby established under this Appendix, as shown on the official Airport Zoning Map, with the following stated height limitations. An area within more than one of the following zones shall be considered to be only within the most restrictive of those zones.
  - A. <u>Visual Approach Surface Zone</u> (for a "utility runway") An area established beneath the visual approach surface, and which has its inner edge coinciding with the width of the primary surface zone of the runway, and which is 250 feet wide. This zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface, and has its centerline following a continuation of the centerline of the runway. The height limitation of this zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

- B. Transitional Surface Zone An area established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Airport Zoning Map. The height limitations of this zone shall slope 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation. In addition, if the airport has a precision instrument runway approach zone, such height limits shall slope 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface. When the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- C. <u>Horizontal Surface Zone</u> An area established beneath the horizontal surface 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a certain feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. This zone shall not include the approach surface nor the transitional surface zones. The height restrictions of this zone are established at 150 feet above the established airport elevation.
- D. <u>Conical Surface Zone</u> An area established beneath the conical surface that commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet. The height limitations of this zone shall slope 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation.
- A.5. <u>AIRPORT HEIGHT REGULATIONS</u>. Except as otherwise provided in this Ordinance, no structure shall be placed, erected or extended and no tree allowed to grow such that it would be within the applicable height limitation established by any of the following zones established by this Appendix: Conical Surface Zone, Horizontal Surface Zone, Transitional Surface Zone or Utility Runway Visual Approach Surface Zone.

# A.6. MAXIMUM HEIGHT.

- A. In no case shall the height limitations in this Appendix prevent the placement, erection or extension of any structure or the growth of any tree up to:
  - 1. 75 feet above the surrounding average ground level within all zones established by this Appendix except the Runway Approach Zone within 4,200 feet from the end of each runway, unless such structure or tree would be placed on an area of exceptionally high topography compared to the surrounding average ground level, and

- 2. 40 feet above the surrounding average ground level within the Runway Approach Zone within 4,200 feet of the end of each runway, unless such structure or tree would be placed on an areas of exceptionally high topography compared to the surrounding average ground level.
- B. To ensure compliance with this Appendix, a special permit shall be required from the Zoning Officer for the erection, placement or extension of any structure over 40 feet in height over any of the ground area below any of the "Airport Zones" identified by the Airport Zoning Map.
- A.7. <u>NONCONFORMITIES</u>. The nonconforming provisions of this Ordinance shall also apply to structures regulated by this Appendix. No structure that violates the maximum height requirements of this section shall be allowed to be extended further into the height limit, and no tree shall be allowed to grow into or further into the height limit.
- A.8. <u>VARIANCES</u>. The Borough Zoning Hearing Board, acting as the Airport Zoning Board of Adjustment, shall have the power to grant variances to the provisions of this Appendix where the applicant proves to the satisfaction of the Board that the proposed structure or tree would not be a hazard to aircraft. No variance shall be granted under this section until a written request for comment is made to the Federal Aviation Administration, the Pennsylvania Bureau of Aviation and the Manager of the Airport most directly affected by the proposal. If such comments are not received within 45 days from the date of sending, the Board may act without any and all such reviews.

### A.9. AIRCRAFT HAZARDS.

- A. No use or structure shall occur in such a way as to create any of the following hazards to aircraft:
  - 1. electrical interference with navigational signals or aircraft radio communications,
  - 2. visual interference or confusion between aircraft lights or airport approach lights and other lights.
  - 3. glare in the eyes of pilots,
  - 4. impaired visibility around the airport,
  - 5. bird strike hazards,
  - 6: the growth of any tree into the applicable height limitations of the zones established by this Appendix,
  - 7. or other hazards that threaten to interfere with safe landing, takeoff or maneuvering of aircraft using an airport.
- B. Because of the technical nature of these requirements, the Borough shall not accept any responsibility for identifying aircraft hazards, but shall instead investigate written complaints filed by licensed pilots, responsible government officials and operators of airports.

# A.10. MARKING OF HAZARDS.

- A. The Zoning Officer shall have the authority to require the owner of a property that includes hazards to aircraft that existed prior to the adoption of this Appendix to provide and maintain markings and/or lights on such hazards after receiving a written request for such action from the official operator of an airport or officials of the Pennsylvania Bureau of Aviation or the Federal Aviation Administration.
- B. The Zoning Officer shall have the authority to require the owner of a structure receiving a permit or variance under this Appendix after the adoption of this Appendix to provide and maintain at the property owner's expense sufficient markings and or lighting, within the regulations and/or standards of the Federal Aviation Administration.

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# BOROUGH OF TATAMY

Northampton County

Pennsylvania

# OFFICIAL STREET CLASSIFICATION MAP

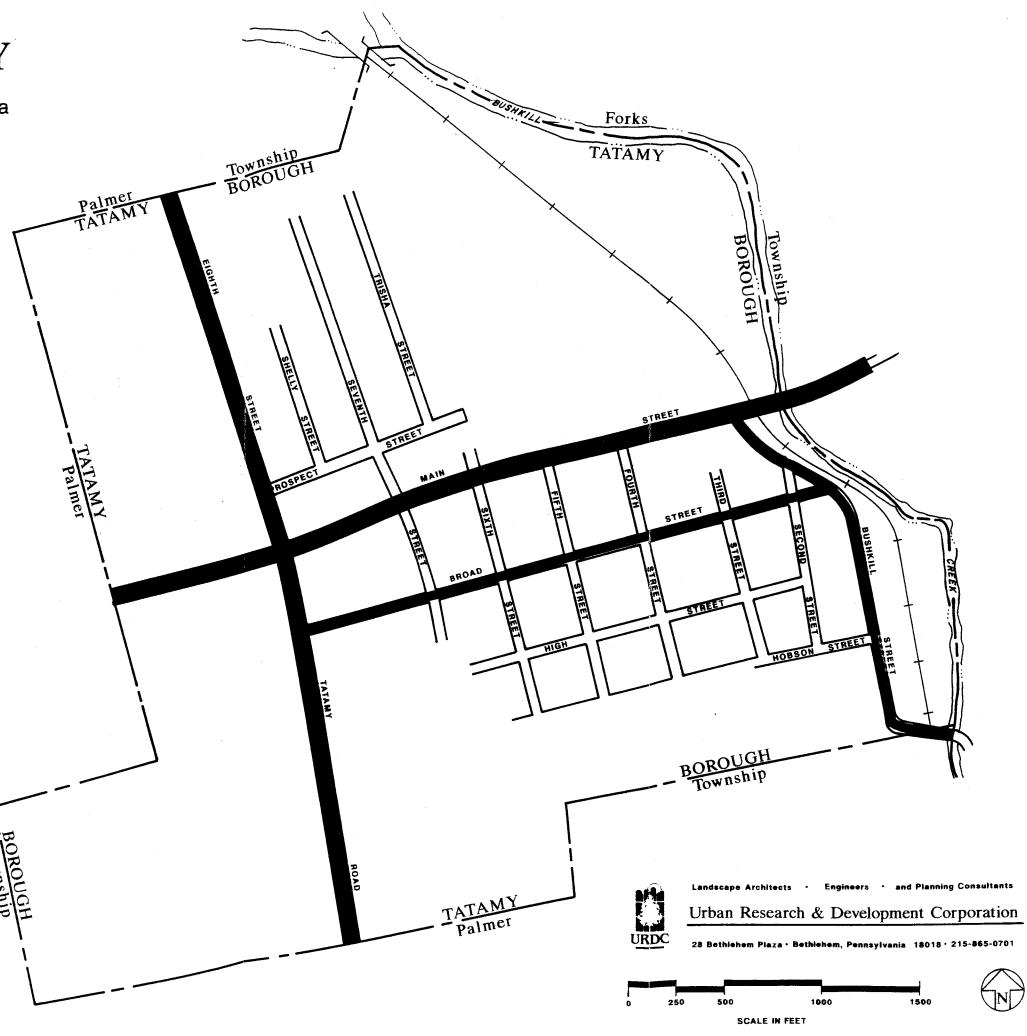
February 1991

**STREET CLASSIFICATION** 

ARTERIAL STREET COLLECTOR STREET

ALL OTHER EXISTING STREETS ARE LOCAL STREETS

FOR LOCATIONS OF PROPOSED FUTURE STREETS, SEE THE BOROUGH'S "OFFFICIAL MAP".



# BOROUGH OF TATAMY

Northampton County

Pennsylvania

# OFFICIAL ZONING MAP

February 1991

R1 - LOW DENSITY RESIDENTIAL

R2 - MEDIUM LOW DENSITY RESIDENTIAL

R3 - MEDIUM DENSITY RESIDENTIAL

C - COMMERCIAL

LI - LIGHT INDUSTRIAL

CR - CONSERVATION AND RECREATION

ALL MEASUREMENTS ARE FROM CENTERLINE OF STREET OR RAILROAD RIGHT-OF-WAY UNLESS OTHERWISE INDICATED.

A - 75 feet from top of the bank of the creek

B - The existing street centerline extended

