

BOROUGH OF COKEBURG ZONING ORDINANCE

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BOROUGH OF COKEBURG

ZONING ORDINANCE

ORDINANCE NO. 207

AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 145 OF THE CODE OF THE BOROUGH, ENTITLED "ZONING" TO: DEFINE TERMS USED IN THE ORDINANCE; REGULATE THE LOCATION AND USE OF STRUCTURES AND LAND FOR RESIDENCES, BUSINESS, INDUSTRY AND OTHER PURPOSES; TO REGULATE THE HEIGHT OF STRUCTURES, THE PERCENTAGE OF LOT COVERED BY STRUCTURES, THE SIZE OF LOTS, THE SIZE OF YARDS AND OTHER OPEN SPACES; TO SPECIFY STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION; TO ESTABLISH REQUIREMENTS FOR OFF-STREET PARKING AND LOADING, SIGNAGE, LANDSCAPING AND OTHER LOT IMPROVEMENTS; TO REGULATE NONCONFORMING USES, STRUCTURES AND LOTS; TO ESTABLISH PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; TO PRESCRIBE POWERS AND DUTIES OF THE ZONING HEARING BOARD; AND TO ESTABLISH PROCEDURES FOR AMENDING THE ORDINANCE.

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Cokeburg, Washington County, Pennsylvania, as follows:

ARTICLE I

BASIC PROVISIONS

SECTION 100 TITLE

The official title of this Ordinance is "Cokeburg Borough Zoning Ordinance."

SECTION 101 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by Borough Council.

SECTION 102 AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Borough by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (P.S. 10101 et. Seq., as may be amended from time to time).

SECTION 103 INTERPRETATION

In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Borough Council, in favor of the property owner and against any implied extension of the restriction.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

The general community development objectives on which this Ordinance is based are:

- A.** To promote the interest of public health, safety, morals and the general welfare;
- B.** To secure safety from fire and to provide adequate open spaces for light and air;
- C.** To conserve and stabilize property values;
- D.** To preserve woodlands, open space, recreational, agricultural and environmental sensitive lands from conflict with urban development;
- E.** To facilitate the economic provision of adequate transportation, water, sewage, schools, parks and other public requirements;
- F.** To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G.** To promote stormwater management, soil and water conservation;
- H.** To set forth population density controls;
- I.** To promote coordinated and practical community development; and
- J.** To promote the utilization of renewable energy sources.

SECTION 105 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

SECTION 106 SEVERABILITY

If any of the provisions of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

ARTICLE II

DEFINITIONS

SECTION 200 GENERAL INTERPRETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied". The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the term's meaning to other instances of like kind and character.

SECTION 201 PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance:

ACCESSORY USE OR STRUCTURE: A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and that may occupy a separate structure and/or area on or in the ground, including, but not limited to: accessory storage buildings or other storage structures, off-street parking, signs, off-street loading, gazebos, children's playhouses, greenhouses for personal use, garages, carports, swimming pools, decks, fences, patios, walls, air conditioning units, heat exchangers, antennas and similar structures.

ADJACENT; ADJOINING: Sharing common property lines uninterrupted by any alley, public street or private street right-of-way.

ADULT ARCADE: Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images displayed are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT BOOKSTORE OR VIDEO STORE: An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which is distinguished or characterized by its emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS: Any of the following uses, as defined herein: adult arcade, adult bookstore or video store, adult novelty store, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel, adult newsrack, adult nightclub, bathhouse, body painting studio, escort service, massage parlor, nude model studio or sexual encounter or meditation center, and any other use of a premises, not specifically defined herein, that includes or primarily offers to its patrons or members retail goods, commercial services or entertainment that is characterized by an emphasis on matter or activities depicting, describing or relating to nudity or sexual conduct, as defined herein.

ADULT ENTERTAINMENT: Movies, videos, still or motion pictures, photographs, slides, films or other visual representation, books, magazines or other printed material or live dramatic, musical or dance performances that are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT ENTERTAINMENT: One (1) or more of the following:

- A. An exhibition of any adult oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein; or
- B. An activity, live performance, display or dance of any type, that has as a significant or substantial portion of the performance any actual or simulated performance of sexual conduct or exhibition and viewing of persons in a state of nudity; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions or visual presentations of any other kind that are characterized by the depiction or description of nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER: Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MINI-MOTION PICTURE THEATER: A completely enclosed building, as defined herein, with a capacity for accommodating less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein.

ADULT MOTEL: A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

ADULT MOTION PICTURE THEATER: A completely enclosed building, as defined herein, with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

ADULT NEWSRACK: Any coin-operated machine or device that dispenses printed material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.

ADULT NIGHTCLUB: Any nightclub, as defined herein, that offers adult entertainment, as defined herein.

ADULT NOVELTY STORE: Any commercial establishment offering one (1) or more of the following items for sale to the general public: apparel, accessories and performance aids used to enhance or participate in sexual conduct, as defined herein.

ADULT THEATER: A theater (live, motion picture or mini-motion picture), tavern, banquet hall, party room, conference center, restaurant, nightclub, hall, auditorium, club, recreation center, indoor entertainment center or other commercial establishment that, as one of its principal business purposes, offers adult entertainment, as defined herein.

ADULT VIDEO STORE: Any commercial establishment where more than five percent (5%) of the inventory offered for sale or rental to the public consists of films, tapes, DVDs or other visual media that depict nudity or sexual conduct, as defined herein.

ADVERTISING PANEL: That portion of a sign structure upon which the message or graphic display is presented, excluding any framework, ornamentation or supporting members.

AGRICULTURE: Any principal or accessory use of land or structures for farming, dairying, pasturage, agronomy, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with agriculture may include barns, stables, corn cribs, silos and other uses or structures that are clearly related to an agricultural operation.

APPLICANT: A landowner or developer who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Any application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a Building Permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

ART STUDIO: See STUDIO, ART, MUSIC OR PHOTOGRAPHY.

ASSISTED LIVING FACILITY: A residential building or group of buildings containing multifamily dwelling units for elderly or physically or mentally disabled persons who are independently mobile and are not in need of the level of service provided by a personal care boarding home, but that provides on-site supervision and assistance available to the residents on an occasional, "as-needed" basis, and where at least one (1) meal each day is provided in a common dining area and that includes certain design features associated with the needs of the elderly that are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

AUTOMOBILE SERVICE STATION: A retail establishment that provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to the retail sale of petroleum products, and that may include one (1) or more of the following activities: retail sales and installation of automotive accessories; automobile washing by hand; undercoating and rustproofing; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operation, if conducted within a completely enclosed building, as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

BAKERY: A retail store that primarily sells baked goods to the general public and which may involve on-site processing of baked goods, either for sale on the premises and/or for delivery to other retail or wholesale outlets.

BAR OR TAVERN: A business, licensed by the Commonwealth, that sells alcoholic beverages for consumption on the premises as the principal use and that may offer food for consumption on the premises as an accessory use.

BATH HOUSE: An establishment that provides baths of all kinds, including methods of hydrotherapy involving nudity or sexual conduct, as defined herein, but not including hydrotherapy treatment practiced by or under the supervision of a medical practitioner, such as a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

BEVERAGE DISTRIBUTOR: A commercial business licensed by the Commonwealth to sell beer in quantity for off-premises consumption and which may include the sale of other beverages, snacks, ice and party or picnic supplies.

BIKING/HIKING TRAIL: A paved or unpaved pathway used for walking or traveling by bicycle for exercise or recreation where motorized vehicles are prohibited except for emergency vehicles or maintenance vehicles.

BILLBOARD: Any off-premises sign with a changeable or permanent advertising face that advertises an establishment, person, activity, product or service that is unrelated to or not available on the premises on which the sign is located.

BODY PAINTING STUDIO: Any establishment that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body in a state of nudity, as defined herein.

BUFFER AREA: A landscaped area of a certain depth specified by this Ordinance that shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material that, within three (3) years of planting, meets the standards of providing a compact year-'round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography, that duplicates the effect of the required buffer area, provided the natural barrier is maintained with vegetation or landscaping at all times.

BUILDING: Any structure having enclosing walls and roofs and having a permanent location on the land intended for the shelter, housing and/or enclosure of persons, animals or other property. (See also COMPLETELY ENCLOSED BUILDING.)

BUILDING, PRINCIPAL: See PRINCIPAL BUILDING.

BUILDING, PUBLIC: See PUBLIC BUILDING.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE, FRONT: A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUSINESS OR PROFESSIONAL OFFICES: Any office of recognized professions, such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

BUSINESS SERVICES: Establishments engaged in providing services to business offices on a fee or contract basis, including, but not limited to: advertising and public relations; management and consulting services; employment services; building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services, but not including the rental, sale or repair of vehicles or heavy equipment.

CAR WASH: A facility, whether automatic, semi-automatic or manual, where the principal use is washing and polishing of vehicles.

CARPORT: An attached or detached structure to house or protect motor vehicles, that is open to the weather for at least forty percent (40%) of the total area of its sides.

CARTWAY: That portion of the street right-of-way that is surfaced for vehicular use, excluding curbs and shoulders.

CENTERLINE OF A STREET: A line that is usually at an equal distance from both edges of the cartway or established right-of-way.

CERTIFICATE OF OCCUPANCY: A document issued by the Zoning Officer indicating that a premise for which a Building Permit and/or a Zoning Certificate has been issued is ready for occupancy and is in compliance with the provisions of this Ordinance and the Uniform Construction Code (UCC), if applicable.

CHURCH: A building or buildings, other than a dwelling, used primarily as a place of worship on a regular basis by a religious denomination that may also include, as accessory uses, rooms for religious education, social and recreational activities and administrative offices, rectories, parsonages, convents, pre-school programs and elderly or child daycare centers.

CLEAR SIGHT TRIANGLE: A triangular area of unobstructed vision at the intersection of two (2) streets or of a driveway and a street defined by line of sight a given distance from the intersection of the centerlines of two (2) streets or the centerlines of the driveway and the street. (See Illustration in Appendix A.)

CLINIC, MEDICAL: See MEDICAL CLINIC.

CLINIC, VETERINARY: See VETERINARY CLINIC.

COMMERCIAL GREENHOUSE: See GREENHOUSE, COMMERCIAL.

COMMERCIAL RECREATION: See RECREATION, COMMERCIAL.

COMMERCIAL SCHOOL: See SCHOOL, COMMERCIAL.

COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to: omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas that may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

COMMUNICATIONS EQUIPMENT CABINET: An unmanned structure that contains the equipment necessary to maintain and operate communications antennas.

COMMUNICATIONS TOWER: Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side-arm mounts and pipe mounts for microwave dish antennas.

COMPARABLE USE NOT SPECIFICALLY LISTED: A use which is not specifically listed in a particular Zoning District, but which is determined by the Zoning Hearing Board in accordance with the express standards and criteria set forth in this Ordinance to be similar in characteristics and impacts to another use which is specifically listed in the same Zoning District as a permitted use, conditional use or use by special exception.

COMPLETELY ENCLOSED BUILDING: A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors that are designed so that they may be kept closed and any other small openings required for the ventilation system.

CONDITIONAL USE: An authorized use that may be granted only by Borough Council pursuant to express standards and criteria contained in this Ordinance after review and recommendation by the Planning Committee and after conducting a public hearing pursuant to public notice.

CONSTRUCTION TRAILER, TEMPORARY: A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid Building Permit or Grading Permit is in effect.

CONTRACTING BUSINESS: The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and that may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building, as defined herein.

CONTRACTOR'S YARD: An establishment that may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but that involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business.

CONVENIENCE STORE: See STORE, CONVENIENCE.

CORNER LOT: See LOT, CORNER.

COUNCIL: All references to the Council are to the Borough Council of the Borough of Cokeburg.

COUNTY: Washington County, Pennsylvania.

COUNTY PLANNING COMMISSION: See PLANNING COMMISSION, COUNTY.

COVERAGE: See LOT COVERAGE.

DAY CARE CENTER: A facility, licensed by the Commonwealth, located within a building that is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY SPA: A business establishment which provides one (1) or more of the following services to customers who do not stay overnight on the premises: massage therapy, facials, body wraps, tanning, steam or sauna baths, herbal treatments, hair styling, manicure, pedicure, nutritional counseling, Yoga exercise, aromatherapy, reflexology and relaxation therapy.

DECK OR PATIO: Any uncovered outdoor living area, without a roof, in excess of twenty-four (24) square feet constructed on or above the surface of the ground.

DELICATESSEN: A retail establishment, other than a restaurant, that sells ready-to-eat food products such as cooked meats, sandwiches and prepared salads, primarily for consumption off the premises, but which may provide a few tables or a counter for on-premises consumption as an accessory use and that may include off-premises catering.

DENSITY, DWELLING UNIT: See DWELLING UNIT DENSITY.

DEPTH OF LOT: See LOT, DEPTH OF.

DISTANCE BETWEEN BUILDINGS: The minimum spacing between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters that project beyond the wall of the building no more than two (2) feet.

DISTRICT: See ZONING DISTRICT.

DOMESTIC PETS: Animals, fish or fowl customarily found in a dwelling and kept for company or pleasure, including, but not limited to: no more than four (4) dogs and/or cats, six (6) months of age or older; hamsters, parakeets or canaries and similar small animals or birds; but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats, venomous or constrictor snakes, alligators, monkeys or other animals normally found in a zoo; nor any livestock.

DOMICILIARY CARE: Care provided in the provider's dwelling unit to no more than three (3) persons aged eighteen (18) years or older who need assistance with daily activities and are unable to live alone, where the provider and the dwelling unit are certified by the Area Agency on Aging.

DRIVEWAY: A private vehicular way providing access between a street and a parking area or garage located on a lot.

DRIVE-THROUGH FACILITY: Any principal use or accessory use that involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to "drive-in" or "drive-through" windows at fast food restaurants, banks or other businesses, exterior automated teller machines (ATM's), quick oil change facilities, car washes and similar automotive services and other such facilities.

DRUG STORE: See STORE, DRUG.

DRY CLEANING PICK-UP STORE: See STORE, DRY CLEANING PICK-UP.

DWELLING TYPES: The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING:** A residential building containing one (1) dwelling unit that is the only principal structure on the lot, surrounded on all sides by open space, including mobile homes and modular homes provided they are erected on a permanent foundation and are connected to all available utilities.
- B. **TWO FAMILY DWELLING:** A residential building that is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **GARDEN APARTMENT:** A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units that share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- D. **MULTIFAMILY DWELLING:** A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate dwelling units, including garden apartments and townhouses.
- E. **MODULAR DWELLING:** A factory fabricated single family dwelling that is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for manufactured housing in the Commonwealth of Pennsylvania.
- F. **TOWNHOUSE:** A multifamily residential building, no more than two and one-half (2 ½) stories in height that contains at least three (3), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

DWELLING UNIT: One (1) or more living or sleeping rooms with cooking and sanitary facilities designed exclusively as living quarters for one (1) person or one (1) family.

DWELLING UNIT DENSITY: The maximum number of dwelling units authorized by this Ordinance per acre of land.

EASEMENT: A grant of one (1) or more property rights by the property owner to and for use by the public, a utility, a corporation or any other person, for access, utilities, slope or other purposes in which no permanent structure shall be erected.

EDUCATIONAL STUDIO: See STUDIO, EDUCATIONAL.

EMERGENCY MEDICAL SERVICES: See FIRE AND EMERGENCY MEDICAL SERVICES.

ENLARGEMENT: An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

EQUIPMENT STORAGE YARD: An area of land devoted to the storage, whether temporary or permanent, of construction equipment, farm equipment or other heavy equipment or vehicles in excess of 26,000 pounds GVW.

ESCORT SERVICE: A business that provides a service by appointment or upon request where individuals leave one premises and go to another premises for a specified period of time for the purpose of engaging in nudity or sexual conduct, as defined herein.

ESSENTIAL SERVICES: The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Cokeburg Borough of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within Cokeburg Borough to the general public.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, but not including persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein.

FAMILY DAY CARE HOME: A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling in which the operator resides, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes and shall meet all applicable requirements for a home occupation.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of land and/or dividing one area of land from another. This definition shall not include retaining walls that are designed and approved in accordance with the Uniform Construction Code (UCC).

FINANCIAL INSTITUTION: A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business.

FIRE AND EMERGENCY MEDICAL SERVICES: Facilities owned and operated by a public agency or nonprofit corporation used for the storage of fire trucks, fire-fighting equipment, ambulances and other emergency medical equipment and for the training of firefighters, paramedics and other medical rescue personnel and that may or may not include offices, meeting rooms, exercise rooms, sleeping quarters for the employees and volunteers, kitchen facilities and a social hall.

FITNESS CENTER: See HEALTH CLUB OR FITNESS CENTER.

FLEX SPACE: Any building designed to accommodate a combination of office and warehousing or office and manufacturing or assembly.

FLOOD PLAIN: Areas adjoining any rivers, streams, ponds or lakes subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Borough.

FLOOR AREA, GROSS: The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

FLOOR AREA, NET: The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients or general public, but excluding storage areas, equipment rooms, food preparation areas in a restaurant and common areas such as halls, corridors, stairwells, elevator shafts, restrooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.

FOOD STORE: See STORE, FOOD.

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

FRONT BUILDING LINE: See BUILDING LINE, FRONT.

FRONT LOT LINE: See LOT LINE, FRONT.

FRONT YARD: See YARD, FRONT.

FUNERAL HOME: A building used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE: An accessory building or a portion of the principal building, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building and that may include the shelter or storage of no more than one (1) private vehicle owned and used by others.

GARAGE, PUBLIC: A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles.

GARAGE, VEHICLE REPAIR: See VEHICLE REPAIR GARAGE.

GARDEN APARTMENT: See "C" under DWELLING TYPES.

GARDEN NURSERY: A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

GOVERNING BODY: The Council of the Borough of Cokeburg, Washington County, Pennsylvania.

GREENHOUSE, COMMERCIAL: A retail business that sells flowers, plants, shrubs, trees and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot.

GROSS FLOOR AREA: See FLOOR AREA, GROSS.

GROUP CARE FACILITY: Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following:

- A. Persons who do not meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act, excluding those regulated by the definition of TRANSITIONAL DWELLING;
- B. Persons who do meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household;
- C. Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution.

GROUP LIVING ARRANGEMENT: A dwelling unit occupied by persons who meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act and who are living together with supervision, provided the following criteria are met:

- A. It provides supporting services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other “handicap” or “disability” as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;
- B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;
- C. It does not involve the housing of persons on a transient basis;
- D. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

HAZARDOUS MATERIALS: Any material designated as a hazardous material under the terms and provisions of the Pennsylvania Solid Waste Management Act of 1980 and/or any regulations promulgated thereunder by the Pennsylvania Department of Environmental Protection (PA DEP) and designated as “hazardous materials”.

HEALTH CLUB OR FITNESS CENTER: A commercial recreational enterprise or private club that has as a principal use a gymnasium, swimming pool or other sports facility and that may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEAVY MANUFACTURING: See MANUFACTURING, HEAVY.

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HEIGHT OF SIGN: The vertical distance measured from the average elevation of the finished grade around the sign to the highest point on the sign and its supporting structure, including the foundation of the sign, if it is elevated above the ground level.

HEIGHT OF STRUCTURE: For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HIGH TECHNOLOGY INDUSTRIES: The assembly of component parts or the production of finished products, excluding any process that involves toxic or highly volatile substances, including computer components and accessories; electrical parts, accessories and equipment; laboratory apparatus; robotics; optical instruments; precision instruments; surgical, medical and dental instruments and supplies; timers and timepieces; search detection and navigational equipment; musical instruments and photographic equipment and accessories.

HIKING TRAIL: See BIKING/HIKING TRAIL.

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

HOME GARDENING: The growing of flowers, plants or vegetables for consumption by the persons residing on the premises and not for sale, including backyard composting for personal use and noncommercial greenhouses not exceeding one hundred fifty (150) square feet in gross floor area.

HOME OCCUPATION: A business or commercial activity that does not meet the definition of a no impact home-based business conducted as an accessory use entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

HOSPITAL: An institution licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and that may or may not include facilities for major surgery and that may be publicly or privately operated.

HOTEL: See MOTEL OR HOTEL.

INDEPENDENT LIVING FACILITY: A residential building or group of buildings containing multifamily dwellings to house elderly or senior citizens, who are independently mobile and not in need of supervision, that includes certain design features associated with the needs of elderly or senior citizens not customary in the construction of conventional multifamily dwellings, such as emergency call systems, handicapped facilities, minimal housekeeping and laundry services, common leisure and recreational services, personal services (beauty or barber shop or cleaner's valet), transportation services and similar support services for the convenience of the residents.

INDOOR ENTERTAINMENT: A commercial establishment located within a completely enclosed building, as defined by this Ordinance, where customers or patrons engage in non-athletic leisure activities as spectators or participants, including, but not limited to:

theaters (live and motion picture), sports arenas, bowling alleys, pool halls, virtual reality and simulation gaming parlors, amusement and video arcades, dance halls and similar facilities.

JUNK: Any rubbish or scrap material, including all paper cartons, boxes, barrels, wood, excelsior, bedding, cans, metal, glass, crockery, mineral refuse, ashes and any similar substances, scrapped or used appliances, fixtures, vehicles and vehicle parts, machinery and machinery parts or other similar material or any other form of discarded, unused or unusable materials, including building materials.

JUNK YARD: Any premises devoted wholly or in part to the storage, buying, or selling, salvaging, recycling or otherwise handling or dealing in “junk” as defined by this Ordinance.

KENNEL: A structure and/or premises where four (4) or more dogs or cats or any combination of dogs and cats totaling four (4) animals which are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

LANDOWNER: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPING CONTRACTOR: A retail business that includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products that aid their growth and care and that may include one (1) or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, mulch, sandstone or limestone chips; and/or the storage of small amounts of reddog, slag, sand or gravel to be used in landscaping or preparation of driveways; and or shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

LAUNDROMAT: A retail business equipped with a number of individual clothes washing machines, clothes dryers and that may include individual dry cleaning machines for use by the general public. Laundry facilities provided for use by the residents as an accessory use in a multifamily residential building are excluded from this definition.

LIGHT MANUFACTURING: See MANUFACTURING, LIGHT.

LOADING BERTH: An area within a principal building or on the same lot with the principal building designed in accordance with the requirements of this Ordinance and used for the standing, loading or unloading of tractor-trailer trucks and other delivery vehicles.

LOT: A designated parcel, tract or area of land established by a plat or described in a deed or other instrument recorded pursuant to the laws of the Commonwealth to be used, developed or built upon as a unit.

LOT, CORNER: A lot at the intersection of, and fronting on, two (2) or more street rights-of-way.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT, NONCONFORMING: See NONCONFORMING LOT.

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

LOT COVERAGE: That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to: decks, swimming pools, storage sheds, garages and similar structures.

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT: That lot line which is contiguous with the street right-of-way line or in the case where the lot line is contiguous with the street centerline, the front lot line shall be considered to be coterminous with the street right-of-way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR: That lot line that is generally opposite the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or rear lot line.

LOT OF RECORD: Any lot which individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Washington County.

LOT WIDTH: The straight line distance between the point of intersection of the front building line with the side lot lines.

MACHINE SHOP: A work shop where a machinist fabricates, assembles or repairs parts and/or equipment.

MANUFACTURING, HEAVY: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of Light Manufacturing or High Technology Industries.

MANUFACTURING, LIGHT: The assembly, processing or production of finished products, not involving the use of any raw materials or large quantities of any hazardous materials, as regulated by the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (U.S. EPA), including, but not limited to: communications equipment and services; computer components and accessories; dolls, toys and sporting goods; electrical parts, accessories and equipment; electronic components, accessories and equipment; jewelry and musical instruments; laboratory apparatus; machinery, equipment and supplies; metal fabrication and machining; office machines and equipment; optical instruments and products; precision instruments; printing, publishing, shipping, packaging, mailing and distribution; and similar products and services.

MASSAGE PARLOR: Any establishment that provides services of massage or body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth, not including any athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service to the principal service.

MEDIATION: A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

MEDICAL CLINIC: Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and/or dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

MINERAL REMOVAL: Any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to: anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources, excluding mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings.

MINI-WAREHOUSE OR SELF STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land that has been so designated and improved that it contains two (2) or more mobile home lots for the placement of mobile homes.

MODULAR DWELLING: See “E” under DWELLING TYPES.

MOTEL OR HOTEL: An establishment that offers transient overnight lodging accommodations, including extended stays, to the general public and that also may provide additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING: See “D” under DWELLING TYPES.

MUNICIPALITIES PLANNING CODE (MPC): Act of 1968, P.L. 805, No. 247 as reenacted and amended. (53 P.S. §10101, et. Seq.)

MUSEUM: An establishment operated by a public agency or a non-profit organization devoted to the procurement, preservation, study and display of documents, artifacts, memorabilia or other objects of social, historical or cultural significance.

MUSIC STUDIO: See STUDIO, ART, MUSIC OR PHOTOGRAPHY.

NET FLOOR AREA: See FLOOR AREA, NET.

NO IMPACT HOME-BASED BUSINESS: See HOME-BASED BUSINESS, NO IMPACT.

NONCOMMERCIAL RECREATION: See RECREATION, NONCOMMERCIAL.

NONCONFORMING LOT: Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but that fails to conform to the requirements of the Zoning District in which it is located by reason of such adoption or amendment.

NONCONFORMING SIGN: Any sign that was lawfully erected and maintained prior to the adoption or amendment of this Ordinance, that fails to conform to all applicable regulations and restrictions of this Article.

NONCONFORMING STRUCTURE: Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

NONCONFORMING USE: Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity, is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:

- A. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- B. where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- C. where no more than one (1) nude model is on the premises at any one (1) time.

NUDITY: The exposure of human bare buttocks, anus, male or female genitals or female breast or the appearance thereof.

NURSING HOME: An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OCCUPANCY, CERTIFICATE OF: See CERTIFICATE OF OCCUPANCY.

OFF-STREET PARKING: Parking spaces required by this Ordinance to be located on private property in accordance with the requirements of Article XII.

OFF-STREET PARKING AREA: See PARKING AREA.

OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

OFFICES, BUSINESS OR PROFESSIONAL: See BUSINESS OR PROFESSIONAL OFFICES.

OPEN SPACE: Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for public use or the private use or enjoyment of the owners or occupants of property adjoining such open space and their invited guests.

PARKING AREA: A paved, open off-street area, accessory to the principal use of the lot containing two (2) or more parking spaces, including the aisles and/or driveways which provide access to the parking spaces.

PARKING LOT: See PUBLIC PARKING LOT.

PARKING SPACE: A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PATIO: See DECK OR PATIO.

PERMITTED USE: An authorized use specifically allowed as a matter of right upon review and approval by the Zoning Officer subject to compliance with all applicable requirements of this Ordinance and land development plan approval, if applicable.

PERSONAL CARE BOARDING HOME: A dwelling or institutional building licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.

PERSONAL SERVICES: Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to: shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors and related activities.

PET GROOMING: Any establishment that offers services for domestic pets, including, but not limited to bathing, trimming, manicuring, massaging or other services to maintain the animals' well-being and which may sell pet care products and pet supplies as an accessory use, but not including a veterinary clinic or kennel, as defined herein.

PET SERVICES: A business establishment that sells pet food and other pet care products to the general public and that may offer pet grooming, a boarding kennel and/or limited veterinary services as accessory uses; or a business establishment that

offers services for the care during part of a twenty-four (24) hour day of domestic pets as a principal use and which may sell food or other pet care products as an accessory use.

PHOTOGRAPHY STUDIO: See STUDIO, ART, MUSIC OR PHOTOGRAPHY.

PILOT MANUFACTURING: An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

PLACE OF ASSEMBLY: An indoor or outdoor space with or without fixed seating used for public gatherings for religious, recreational, educational, cultural, political, social or entertainment purposes.

PLANNED INDUSTRIAL PARK: A development comprised of authorized industrial uses on a site that is under single ownership and control at the time of an application for development and that is planned and developed as a single unit wherein several buildings or lots utilize a common means of access and may share other common facilities such as parking and signs.

PLANNING COMMISSION, COUNTY: The Washington County Planning Commission.

PLANNING COMMITTEE: The Planning Committee of Borough Council, Washington County, Pennsylvania, established by this Ordinance in accordance with Section 201 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended. (53 P.S. §10101, et. seq.) and which replaces the inactive Borough Planning Commission created by Ordinance No. 149.

PORCH: A roofed or uncovered accessory structure without enclosing walls with an area of more than twenty-four (24) square feet that is attached to or part of the principal building and which has direct access to and from the principal building.

PRE-SCHOOL FACILITY: An establishment that offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL BUILDING OR STRUCTURE: The building or structure in which the principal use is conducted.

PRINCIPAL USE: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRINTING ESTABLISHMENT: An establishment engaged in commercial or job printing, including offset printing, engraving, photolithographing, and publishing and binding books, newspapers, pamphlets and other printed materials.

PRIVATE: Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB: Any establishment operated by a private organization for social, recreational, education, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE: See GARAGE, PRIVATE.

PRIVATE SCHOOL: See SCHOOL, PRIVATE.

PRIVATE STREET: See STREET, PRIVATE.

PROFESSIONAL OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

PUBLIC: Owned, operated or controlled by a government agency, Federal, State, County or local.

PUBLIC BUILDING: Any building owned or operated by a government agency, Federal, State, County or local, used to provide services to the public including administrative offices, public works buildings and storage yards, libraries, museums, senior centers, recreation buildings, government service centers and similar facilities.

PUBLIC GARAGE: See GARAGE, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by Borough Council or the Planning Committee, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first (1st) publication shall not be more than thirty (30) days and the second (2nd) publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC OR PRIVATE SCHOOL: See SCHOOL, PUBLIC OR PRIVATE.

PUBLIC PARKING LOT: A parking area on the surface of the ground that is the principal use on the lot, that may be operated by either a public agency or private entity, whether for profit or not, and that is available for use by the general public, usually for a fee.

PUBLIC RECREATION: See RECREATION, PUBLIC.

PUBLIC STREET: See STREET, PUBLIC.

PUBLIC UTILITY BUILDING OR STRUCTURE: Any administrative building, maintenance building, garage or other building intended for human occupancy or storage of movable equipment owned or operated by a utility company regulated by the Public Utility Commission (PUC); or any building or structure owned or operated by a utility company regulated by the Public Utility Commission (PUC) or any governmental agency or municipal authority that is necessary for the generation, treatment, regulation or inter-municipal distribution of essential services, as defined herein, including, but not limited to: long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

REAR LOT LINE: See LOT LINE. REAR.

REAR YARD: See YARD, REAR.

RECREATION, COMMERCIAL: An indoor or outdoor establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, including, but not limited to such principal uses as health or racquet and/or swim clubs, fitness centers, roller or ice rinks, roller blade parks, gymnasiums, sports courts or playing fields, shooting ranges, miniature golf courses, golf or batting practice facilities, swimming pools, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks and similar facilities. (See also INDOOR ENTERTAINMENT.)

RECREATION, NONCOMMERCIAL: An enterprise operated by an individual or non-profit association or corporation, other than a public entity, for the pursuit of sports and recreational activities, which may be advertised to the general public, but the use of which is limited to members and their guests, including, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC: An enterprise owned and operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to: parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

REPAIR SHOP: A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT: Any establishment, including laboratories, that carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and that may include supporting storage and transportation facilities and pilot manufacturing as accessory uses, but not including the mass production of such products.

RESTAURANT: An establishment that offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RETAIL STORE: See STORE, RETAIL.

RIGHT-OF-WAY: Land reserved or dedicated for use as a street, crosswalk or other means of travel, or other public or private purposes, including existing and future rights-of-way.

SCHOOL, COMMERCIAL: A privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

SCHOOL, PUBLIC OR PRIVATE: An accredited institution of learning that offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SELF STORAGE FACILITY: See MINI-WAREHOUSE OR SELF-STORAGE FACILITY.

SERVICE STATION, AUTOMOBILE: See AUTOMOBILE SERVICE STATION.

SEXUAL CONDUCT: Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

SEXUAL ENCOUNTER OR MEDITATION CENTER: A business, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in nudity or sexual conduct, as defined herein.

SHELTER FOR DOMESTIC PETS: An accessory building or other accessory structure used to protect or confine domestic pets owned by the residents of the dwelling on the same lot, excluding fenced runs or kennels, as defined herein.

SHOPPING CENTER: A site under single ownership and control which is developed as a unit for two (2) or more retail establishments in one (1) or more buildings and designed so that parking, loading and access facilities are shared.

SIDE YARD: See YARD, SIDE.

SIDE LOT LINE: See LOT LINE, SIDE.

SIGN: Any structure or device used to attract attention by word or graphic display. (See Article XIII for regulations governing signs.)

SIGN, NONCONFORMING: See Nonconforming Sign.

SIGN, TYPES AND CLASSES: See definitions for various types and classes of signs in Article XIII.

SIGN FACE: The entire area upon which graphic or written material or information is placed for viewing from a single direction.

SIGN HEIGHT: See HEIGHT OF SIGN.

SIGN SURFACE AREA: See SURFACE AREA OF SIGN..

SINGLE FAMILY DWELLING: See "A" under DWELLING TYPES.

SITE: A tract of land or one (1) or more contiguous lots containing an existing use or proposed for development.

SITE AREA: The total area within the boundary lines of a site containing an existing use or proposed for development, expressed in acres or square feet.

SPECIAL EXCEPTION: See USE BY SPECIAL EXCEPTION.

SPORTS COURT: A private outdoor recreational facility accessory to a dwelling for personal use by the residents comprised of an all-weather surface designed for regulation play of tennis, basketball, handball or similar games.

STOOP: A covered or uncovered porch located at the front, side or rear door to a dwelling unit not exceeding twenty-four (24) square feet in area.

STORAGE BUILDING: An accessory structure, as defined herein, not intended for human occupancy, used exclusively for storage of personal property owned by the owners or tenants of the principal building to which the structure is accessory.

STORE, CONVENIENCE: A retail store that offers a limited selection of grocery, household and personal items for quick purchase and that may include the dispensing of gasoline.

STORE, DRUG: A retail store that sells prescription drugs, patent medicines, surgical and sickroom supplies and which also may sell cosmetics, household goods and a limited selection of food products.

STORE, DRY CLEANING PICK-UP: A retail store where customers drop off and pick up clothing and household items for dry cleaning that does not involve any dry cleaning on the premises, but that may include tailoring or pressing on the premises.

STORE, FOOD: A retail store that primarily offers for sale meat, food and household products, but that may also include, as accessory uses, a pharmacy, a florist, a travel agency, a video store, a coffee shop, a delicatessen, banking and copy/fax services.

STORE, RETAIL: Any establishment not otherwise specifically defined in this Article that sells on the premises, commodities and/or services directly to consumers, but not including the manufacturing or processing of any products on the site of the business.

STORE, VIDEO: A retail store offering video cassettes, DVD's, Blu Ray Discs or other prerecorded movies or video games for sale or rent and that may offer as an accessory use, the sale of related snack items.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it, excluding any story that is fifty percent (50%) or more below grade.

STREET: A public or private recorded right-of-way that affords primary means of vehicular access to abutting property, but not including alleys.

STREET, PRIVATE: A street, including the entire private right-of-way, that is privately owned and maintained and that is intended for private, rather than public, use.

STREET, PUBLIC: A public right-of-way dedicated and open for public use that has been adopted by the Borough, County, Commonwealth or other governmental body.

STREET CENTERLINE: See CENTERLINE OF STREET.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.

STRUCTURE, ACCESSORY: See ACCESSORY USE OR STRUCTURE.

STRUCTURE, HEIGHT OF: See HEIGHT OF STRUCTURE.

STRUCTURE, NONCONFORMING: See NONCONFORMING STRUCTURE.

STRUCTURE, PRINCIPAL: See PRINCIPAL STRUCTURE.

STUDIO, ART, MUSIC OR PHOTOGRAPHY: Establishments engaged in the display and sale of music, art or photography products and supplies and which may include training of individuals or groups of students for a fee.

STUDIO, EDUCATIONAL: An establishment that provides training to individuals or groups in specialized recreational activities or avocations, including, but not limited to dance, gymnastics, martial arts and similar pursuits.

SUPPLY YARD: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods to businesses, rather than to the general public, but shall not include the wrecking, salvaging, dismantling or storage of vehicles or equipment.

SURFACE AREA OF SIGN: See §1302.3 for definition.

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building, including above-ground and in-ground swimming pools.

TAVERN: See BAR OR TAVERN.

TEMPORARY CONSTRUCTION TRAILER: See CONSTRUCTION TRAILER, TEMPORARY.

TEMPORARY USE OR STRUCTURE: Any use or structure that is intended to be used either on a seasonal basis, during the time of construction and completion of an approved development or for any other period of time that is six (6) months or less, including, but not limited to: tents, air-supported structures, bleachers, portable bandstands, reviewing stands, mobile office units, construction trailers, model homes or sales offices and similar uses or structures.

THEATER: See INDOOR ENTERTAINMENT.

TOWNHOUSE: See “F” under DWELLING TYPES.

TRANSITIONAL DWELLING: A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or who are self-referred, or referred by a public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants’ care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons

and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and such short-term supervised assignments.

TRUCK AND HEAVY EQUIPMENT RENTAL SALES AND SERVICE: An establishment engaged in the rental, sale and/or service of vehicles in excess of 26,000 pounds Gross Vehicle Weight (GVW) and/or any other heavy equipment, including, but not limited to, construction or farm equipment, whether or not the equipment is classified as a motor vehicle.

TWO FAMILY DWELLING: See “B” under DWELLING TYPES.

TYPES AND CLASSES OF SIGNS: See SIGNS, TYPES AND CLASSES OF.

USE: The purpose, business or activity for which any land or structure is utilized.

USE, ACCESSORY: See ACCESSORY USE OR STRUCTURE.

USE, CONDITIONAL: See CONDITIONAL USE.

USE, NONCONFORMING: See NONCONFORMING USE.

USE, PERMITTED: See PERMITTED USE.

USE, PRINCIPAL: See PRINCIPAL USE.

USE BY SPECIAL EXCEPTION: A use authorized by this Ordinance that may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE: A departure from the specific regulations of this Ordinance that may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) for a particular piece of property that, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VEHICLE ACCESSORY SALES AND INSTALLATION: An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE: The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds Gross Vehicle Weight (GVW), but not including any heavy equipment or any other vehicle or equipment that is not classified as a “motor vehicle” under the Pennsylvania Motor Vehicle Code.

VEHICLE REPAIR GARAGE: A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a completely enclosed building, as defined by this Ordinance.

VETERINARY CLINIC: An establishment where animals are examined and treated by veterinarians and which may include indoor kennels for temporary boarding of animals during treatment.

VIDEO STORE: See Store, Video.

VIEWING BOOTHS: Booths, stalls, partitioned portions of a room, cubicles, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing (1) films, movies, videos or visual reproduction of any kind depicting or describing “nudity” or “sexual conduct,” or (2) persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of “nudity” or by “sexual conduct,” as defined by this Ordinance.

WAREHOUSING AND DISTRIBUTION: A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing that is incidental to retail sales and that does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALE BUSINESS: An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WIDTH OF LOT: See LOT WIDTH.

YARD: A required open space located on a lot that is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this Ordinance.

YARD, FRONT: A yard extending between the side lot lines across the full lot width from the front lot line to a line parallel to, or concentric with, the front lot line known as the front building line, the minimum horizontal distance required by this Ordinance.

YARD, REAR: A yard extending between the side yards of the lot parallel to the rear lot line and being the minimum horizontal distance from the rear lot line required by this Ordinance.

YARD, SIDE: A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance from the side lot line required by this Ordinance.

ZONING AMENDMENT: A change to the text of this Ordinance or to the Zoning District Map proposed for adoption by Borough Council pursuant to the procedures specified in this Ordinance.

ZONING CERTIFICATE: A document issued by the Borough Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this Ordinance and any conditions attached to the approval in the case of a conditional use or use by special exception.

ZONING DISTRICT: An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP: The official map delineating the Zoning Districts of the Borough of Cokeburg, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this Ordinance by reference thereto.

ZONING HEARING BOARD: The Zoning Hearing Board of the Borough of Cokeburg, Washington County, Pennsylvania.

ZONING OFFICER: That person appointed by Borough Council and charged with the responsibility of administering and enforcing this Ordinance.

ARTICLE III

DISTRICT REGULATIONS

SECTION 300 ZONING DISTRICT MAP

The Borough of Cokeburg is hereby divided into Zoning Districts, as shown on the Official Zoning District Map that, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning District Map shall be identified by the signature of the President of Borough Council, attested to by the Borough Secretary, under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 207, as amended, of Cokeburg Borough, Washington County, Pennsylvania," together with the date of adoption of this Ordinance.

All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Borough Engineer, including the date of adoption, and shall be attested to by the Borough Secretary.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided in Article XVI of this Ordinance.

The Official Zoning District Map, that shall be located in the Borough Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Borough.

SECTION 301 ZONING DISTRICTS

The Borough is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:

- C-D Conservation District
- P-S Public and Semi-Public District
- R-L Low Density Residential District
- R-1 Village Residential District
- B-1 Business District
- M-1 Industrial District

SECTION 302 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

- A.** District boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B.** District boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C.** District boundaries indicated as appearing to follow municipal boundaries shall be construed as following municipal boundaries;
- D.** District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E.** District boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
- F.** Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

SECTION 303 GENERAL DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

- A.** In the R-L and R-1 Districts, any use not specifically listed as an Authorized Use in the Zoning District shall not be permitted in that Zoning District.
- B.** In the C-D, P-S, B-1 and M-1 Districts, any use not specifically listed in the Authorized Uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception in accordance with the applicable express standards and criteria for "Comparable Uses Not Specifically Listed" in §1003.5 of this Ordinance.
- C.** In all Zoning Districts where single family dwellings or two family dwellings are an authorized use or are a legally nonconforming use, the single family dwelling or two family dwelling shall be the only principal structure on the lot.

- D.** In the Zoning Districts where multifamily dwellings and nonresidential uses are authorized by this Ordinance, two (2) or more multifamily or nonresidential buildings may occupy the same lot, provided each building can independently meet the applicable area and bulk regulations and parking requirements to accommodate the possibility of subdivision of the property in the future to separate the buildings.
- E.** In the B-1 and M-1 Districts, two (2) or more authorized uses may occupy the same building, provided all applicable area and bulk regulations and parking requirements for the uses can be met on the lot.
- F.** In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory. Any accessory structure shall not be built unless or until the principal structure it serves exists on the lot. No portion of an accessory structure may be used as a dwelling unit.

ARTICLE IV

C-D, CONSERVATION, DISTRICT

SECTION 400 PURPOSE

The purpose of this District is to preserve historic features, steep slopes, wetlands and other environmentally sensitive lands and to provide opportunities for limited development that will be compatible with preservation of these natural features.

SECTION 401 AUTHORIZED USES

In the C-D, Conservation District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Agriculture, subject to Section 1108
- b. Biking/Hiking Trail
- c. Communications Antenna Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to Section 1112
- d. Essential Services
- e. Forestry, subject to Section 1110
- f. Historic Site
- g. Museum
- h. Noncommercial Recreation
- i. Public Recreation
- j. Public Utility Buildings or Structures

2. Accessory Uses

- a. Off-Street Parking and Loading, subject to Article XII
- b. Storage Buildings, subject to Section 1103
- c. Signs, subject to Article XIII
- d. Temporary Construction Trailer, subject to Section 1107
- e. Other accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

None

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1003.4
- b. Comparable Uses Not Specifically Listed, subject to §1003.5
- c. Temporary Use or Structure, subject to §1003.19

2. Accessory Uses

None

SECTION 402 AREA AND BULK REGULATIONS

In the C-D, Conservation District, all uses shall be subject to the following regulations except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article X.

A. MINIMUM LOT AREA:

Agriculture:	10 acres
Communications Tower:	10,000 square feet
Public Utility Buildings:	20,000 square feet
Public Utility Structures:	None Required
Public Recreation and Noncommercial Recreation:	None Required
All Other Principal Uses:	1 acre

B. MINIMUM LOT WIDTH:

Public Utility Structures:	None Required
Public Recreation and Noncommercial Recreation:	None Required
All Other Principal Uses:	100 feet

C. MINIMUM FRONT YARD:

Principal and Accessory Structures:	30 feet
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D.	MINIMUM REAR YARD:	
	Principal Structures:	40 feet
	Accessory Structures:	10 feet
E.	MINIMUM SIDE YARD:	
	Principal Structures:	15 feet
	Accessory Structures:	15 feet
F.	SPECIAL YARD REQUIREMENTS:	See Section 1103
G.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1104
H.	MAXIMUM HEIGHT:	
	All Principal Structures:	2½ stories, but no more than 35 feet
	Accessory Farm Structures:	50 feet
	All Other Accessory Structures:	1 story, but no more than 20 feet
I.	HEIGHT EXCEPTIONS:	See Section 1105
SECTION 403	OFF-STREET PARKING AND LOADING	See Article XII
SECTION 404	SIGNS	See Article XIII
SECTION 405	BUFFER AREAS AND LANDSCAPING	See Section 1102
SECTION 406	STORAGE	See Section 1109
SECTION 407	ENVIRONMENTAL PROTECTION	See Section 1113

ARTICLE V

P-S, PUBLIC AND SEMI-PUBLIC DISTRICT

SECTION 500 PURPOSE

The purpose of this District is to preserve existing public and semi-public facilities in the Borough and to provide for compatible public and semi-public uses as needed in the future.

SECTION 501 AUTHORIZED USES

In the P-S, Public and Semi-Public District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a.** Biking/Hiking Trail
- b.** Churches
- c.** Communications Antenna Mounted on an Existing Building or on an Existing Public Utility Storage or Transmission Structure, subject to Section 1112
- d.** Day Care Center or Pre-School Facility
- e.** Essential Services
- f.** Fire and Emergency Medical Services
- g.** Forestry, subject to Section 1110
- h.** Noncommercial Recreation
- i.** Public Buildings
- j.** Public Parking Lot
- k.** Public Recreation
- l.** Public Utility Buildings or Structures
- m.** Schools, Public or Private

2. Accessory Uses

- a.** Off-Street Parking and Loading, subject to Article XII
- b.** Signs, subject to Article XIII
- c.** Temporary Construction Trailer, subject to Section 1107
- d.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

None

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

a. Comparable Uses Not Specifically Listed, subject to §1003.5

b. Temporary Use or Structure, subject to §1003.19

2. Accessory Uses

None

SECTION 502 AREA AND BULK REGULATIONS

In the P-S, Public and Semi-Public District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article X.

A. MINIMUM LOT AREA:

Public Utility Structures:	None Required
Public Utility Buildings:	20,000 square feet
Public Recreation and Noncommercial Recreation:	None Required
All Other Principal Structures:	7,500 square feet

B. MINIMUM LOT WIDTH:

Public Utility Structures:	None Required
Public Recreation and Noncommercial Recreation:	None Required
All Other Principal Uses:	60 feet

C. MINIMUM FRONT YARD:

Principal and Accessory Structures:	25 feet
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D.	MINIMUM REAR YARD:	
	Principal Structures:	25 feet
	Accessory Structures:	10 feet
E.	MINIMUM SIDE YARD:	
	All Principal and Accessory Structures:	15 feet
F.	SPECIAL YARD REQUIREMENTS:	See Section 1103
G.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1104
H.	MAXIMUM HEIGHT:	
	All Principal Structures:	3 stories, but no more than 45 feet
	All Accessory Uses:	1 story, but no more than 20 feet
I.	HEIGHT EXCEPTIONS:	See Section 1105
SECTION 503	OFF-STREET PARKING AND LOADING	See Article XII
SECTION 504	SIGNS	See Article XIII
SECTION 505	BUFFER AREAS AND LANDSCAPING	See Section 1102
SECTION 506	STORAGE	See Section 1109
SECTION 507	ENVIRONMENTAL PROTECTION	See Section 1113

ARTICLE VI

R-L, LOW DENSITY RESIDENTIAL DISTRICT

SECTION 600 PURPOSE

The purpose of this District is to preserve existing neighborhoods with larger lots; to provide opportunities for additional low density single family development; and to provide for compatible mobile home parks and attached single family dwellings on well planned and buffered sites, as well as public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 601 AUTHORIZED USES

In the R-L, Low Density Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Biking/Hiking Trail
- b. Churches
- c. Essential Services
- d. Forestry, subject to Section 1110
- e. Group Living Arrangement
- f. Public Buildings
- g. Public Recreation
- h. Schools, Public or Private
- i. Single Family Dwellings

2. Accessory Uses

- a. Domiciliary Care
- b. Home Gardening
- c. Keeping of Domestic Pets; Shelter for Domestic Pets
- d. No Impact Home-Based Business, subject to Section 1111
- e. Off-Street Parking and Loading, subject to Article XII
- f. Private Garages and Storage Buildings, subject to Section 1103
- g. Private Residential Swimming Pools or Sports Courts, subject to Section 1103
- h. Signs, subject to Article XIII
- i. Temporary Construction Trailer, subject to Section 1107
- j. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- a. Assisted Living Facility, subject to §1003.2
- b. Independent Living Facility, subject to §1003.2
- c. Mobile Home Park, subject to §1003.13
- d. Personal Care Boarding Homes, subject to §1003.14
- e. Townhouses, subject to §1003.20

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Public Utility Buildings or Structures, subject to §1003.16
- b. Temporary Use or Structure, subject to §1003.19

2. Accessory Uses

- a. Family Day Care Homes, subject to §1003.7
- b. Home Occupations, subject to §1003.10

SECTION 602 AREA AND BULK REGULATIONS

In the R-L, Low Density Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article X.

A. MINIMUM SITE AREA:

Mobile Home Park:	10 acres
Townhouse Development:	5 acres

B. MINIMUM LOT AREA:

Public Recreation:	None Required
Public Utility Buildings:	20,000 square feet
Public Utility Structures:	None Required
Mobile Home Lot:	10,000 square feet
Single Family Dwelling:	12,000 square feet
Townhouses:	6,000 s.f. per dwelling unit
All Other Principal Uses:	1 acre

C.	MINIMUM LOT WIDTH:	75 feet
D.	MINIMUM FRONT YARD:	25 feet
E.	MINIMUM REAR YARD:	
	Principal Structures:	40 feet
	Accessory Structures:	10 feet
F.	MINIMUM SIDE YARD:	
	Single Family Dwellings:	15 feet
	All Other Principal Structures:	20 feet
	Accessory Structures:	15 feet
G.	SPECIAL YARD REQUIREMENTS:	See Section 1103
H.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1104
I.	MAXIMUM HEIGHT:	
	All Principal Structures:	2½ stories, but no more than 30 feet
	All Accessory Structures:	1 story, but not more than 20 feet
J.	HEIGHT EXCEPTIONS:	See Section 1105
SECTION 603	OFF-STREET PARKING AND LOADING	See Article XII
SECTION 604	SIGNS	See Article XIII
SECTION 605	BUFFER AREAS AND LANDSCAPING	See Section 1102
SECTION 606	STORAGE	See Section 1109
SECTION 607	ENVIRONMENTAL PROTECTION	See Section 1113

ARTICLE VII

R-1, VILLAGE RESIDENTIAL DISTRICT

SECTION 700 PURPOSE

The purpose of this District is to protect established neighborhoods comprised of single family and two-family dwellings on small lots; to provide opportunities for limited multifamily development in appropriate locations; and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

SECTION 701 AUTHORIZED USES

In the R-1, Village Residential District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Biking/Hiking Trail
- b. Churches
- c. Communications Antenna Mounted on an Existing Nonresidential Building or on an Existing Public Utility Storage or Transmission Structure, subject to Section 1112
- d. Essential Services
- e. Forestry, subject to Section 1110
- f. Group Living Arrangement
- g. Public Buildings
- h. Public Recreation
- i. Schools, Public or Private
- j. Single Family Dwellings
- k. Two Family Dwellings

2. Accessory Uses

- a. Domiciliary Care
- b. Home Gardening
- c. Keeping of Domestic Pets; Shelter for Domestic Pets
- d. No Impact Home-Based Business, subject to Section 1111
- e. Off-Street Parking and Loading, subject to Article XII
- c. Private Garages and Storage Buildings, subject to Section 1103
- d. Private Residential Swimming Pools or Sports Courts, subject to Section 1103
- e. Signs, subject to Article XIII
- f. Temporary Construction Trailer, subject to Section 1107

Accessory Uses (Continued)

- g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- a. Garden Apartments, subject to §1003.8
- b. Personal Care Boarding Home, subject to §1003.14
- c. Townhouses, subject to §1003.20

2. Accessory Uses
None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Public Utility Building or Structure, subject to §1003.16
- b. Temporary Use or Structure, subject to §1003.19

2. Accessory Uses

- a. Family Day Care Home, subject to §1003.7
- b. Home Occupation, subject to §1003.10

SECTION 702 AREA AND BULK REGULATIONS

In the R-1, Village Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article X.

A. MINIMUM LOT AREA:

Public Recreation:	None Required
Public Utility Buildings:	20,000 square feet
Public Utility Structures:	None Required
Single Family Dwellings:	7,200 square feet
Two Family Dwellings:	2,500 sq. ft. per dwelling unit
Multifamily Dwellings:	2,500 sq. ft. per dwelling unit
All Other Principal Uses:	10,000 sq. ft.

B.	MINIMUM LOT WIDTH:	75 feet
C.	MINIMUM FRONT YARD:	25 feet
D.	MINIMUM REAR YARD:	
	Principal Structures:	25 feet
	Accessory Structures:	10 feet
E.	MINIMUM SIDE YARD:	
	Single Family or Two Family Dwellings:	15 feet
	All Other Principal Structures:	20 feet
	Accessory Structures:	15 feet
F.	SPECIAL YARD REQUIREMENTS:	See Section 1103
G.	PERMITTED PROJECTIONS INTO REQUIRED YARDS:	See Section 1104
H.	MAXIMUM HEIGHT:	
	Single Family and Two Family Dwellings:	2½ stories, but no more than 35 feet
	All Other Principal Structures:	3 stories, but no more than 45 feet
	All Accessory Structures:	1 story, but not more than 20 feet
I.	HEIGHT EXCEPTIONS:	See Section 1105
SECTION 703	OFF-STREET PARKING AND LOADING	See Article XII
SECTION 704	SIGNS	See Article XIII
SECTION 705	BUFFER AREAS AND LANDSCAPING	See Section 1102
SECTION 706	STORAGE	See Section 1109
SECTION 707	ENVIRONMENTAL PROTECTION	See Section 1113

ARTICLE VIII

B-1, BUSINESS DISTRICT

SECTION 800 PURPOSE

The purpose of this District is to accommodate retail businesses and services that benefit residents of the Borough and surrounding areas.

SECTION 801 AUTHORIZED USES

In the B-1, Business District, only the following uses are authorized:

A. PERMITTED USES

1. Principal Uses

- a. Art, Music or Photography Studio
- b. Automobile Service Station
- c. Bakery
- d. Bar or Tavern
- e. Beverage Distributor
- f. Biking/Hiking Trail
- g. Business or Professional Offices
- h. Business Services
- i. Car Wash
- j. Churches
- k. Commercial Recreation
- l. Commercial School
- m. Communications Antenna Mounted on an Existing Building or on an Existing Public Utility Storage or Transmission Structure, subject to Section 1112
- n. Contracting Business
- o. Convenience Store
- p. Day Care Center or Pre-School Facility
- q. Day Spa
- r. Delicatessen
- s. Drugstore
- t. Dry Cleaning Pick-up Store
- u. Educational Studio
- v. Essential Services
- w. Financial Institution
- x. Food Store
- y. Forestry, subject to Section 1110
- z. Funeral Home
- aa. Garden Nursery

- bb.** Group Care Facility
- cc.** Health Club or Fitness Center
- dd.** Hospital
- ee.** Indoor Entertainment
- ff.** Kennel
- gg.** Laundromat
- hh.** Medical Clinic
- ii.** Mini-Warehouse or Self-Storage Facility
- jj.** Motel or Hotel
- kk.** Multifamily Dwellings
- ll.** Newsstand
- mm.** Noncommercial Recreation
- nn.** Nursing Home
- oo.** Personal Services
- pp.** Pet Grooming
- qq.** Pet Services
- rr.** Private Club
- ss.** Public Buildings
- tt.** Public Parking Lot
- uu.** Public Recreation
- vv.** Public Utility Building or Structure
- ww.** Restaurant
- xx.** Retail Stores not otherwise listed herein
- yy.** Schools, Public or Private
- zz.** Vehicle Accessories Sales and Installation
- aaa.** Vehicle Rental, Sales and Service
- bbb.** Veterinary Clinic
- ccc.** Video Store

2. Accessory Uses

- a.** Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1112
- b.** Drive-through Facilities, subject to Section 1106
- c.** Off-Street Parking and Loading, subject to Article XII
- d.** Signs, subject to Article XIII
- e.** Storage Building, subject to Section 1103
- f.** Temporary Construction Trailer, subject to Section 1107
- g.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- a. Adult Business, subject to §1003.1
- b. Assisted Living Facility, subject to §1003.2
- c. Billboards, subject to §1003.3
- d. Garden Apartments, subject to §1003.8
- e. Independent Living Facility, subject to §1003.2
- f. Mineral Removal, subject to §1003.12
- g. Personal Care Boarding Home, subject to §1003.14
- h. Research and Development, subject to §1003.17
- i. Shopping Center, subject to §1003.18
- j. Wholesale Business, subject to §1003.22

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1003.4
- b. Comparable Uses Not Specifically Listed, subject to §1003.5
- c. Temporary Use or Structure, subject to §1003.19

2. Accessory Uses

None

SECTION 802 AREA AND BULK REGULATIONS

In the B-1, Business District, all uses shall be subject to the following regulations except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article X.

A. MINIMUM SITE AREA:

Garden Apartments:	One (1) acre
Shopping Center	One (1) acre

B. MINIMUM LOT AREA:		
	Garden Apartments:	2,500 sq. ft. per dwelling unit
	Communications Towers:	10,000 square feet
	Public Recreation and Noncommercial Recreation:	None Required
	Public Utility Structures:	None Required
	All Other Principal Uses:	20,000 square feet
C. MINIMUM LOT WIDTH:		100 feet
D. MINIMUM FRONT YARD:		50 feet
E. MINIMUM REAR YARD:		
	All Principal Structures:	50 feet
	All Accessory Structures:	20 feet
F. MINIMUM SIDE YARD:		
	All Principal and Accessory Structures:	15 feet
G. SPECIAL YARD REQUIREMENTS:		See Section 1103
H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:		See Section 1104
I. MAXIMUM HEIGHT:		
	All Principal Structures:	3 stories, but not more than 45 feet
	All Accessory Structures:	1 story, but no more than 20 feet
J. HEIGHT EXCEPTIONS:		See Section 1105
SECTION 803	OFF-STREET PARKING AND LOADING	See Article XII
SECTION 804	SIGNS	See Article XIII
SECTION 805	BUFFER AREAS AND LANDSCAPING	See Section 1102
SECTION 806	STORAGE	See Section 1109
SECTION 807	ENVIRONMENTAL PROTECTION	See Section 1113

ARTICLE IX

M-1, INDUSTRIAL DISTRICT

SECTION 900 PURPOSE

The purpose of this District is to provide for existing and future industrial uses in an appropriate location in the Borough consistent with sound planning and environmental controls.

SECTION 901 AUTHORIZED USES

A. PERMITTED USES

1. Principal Uses

- a. Automobile Service Station
- b. Biking/Hiking Trail
- c. Business or Professional Offices
- d. Cleaning and Dyeing Plant
- e. Commercial Greenhouse
- f. Commercial Recreation
- g. Commercial School
- h. Communications Antenna Mounted on an Existing Building or on an Existing Public Utility Storage or Transmission Structure, subject to Section 1112
- i. Contractor's Yard
- j. Day Care Center or Pre-School Facility
- k. Essential Services
- l. Flex Space
- m. Food and Related Products, Packaging, Storage and Distribution
- n. Forestry, subject to Section 1110
- o. High Technology Industries
- p. Kennel
- q. Landscaping Contractor
- r. Light Manufacturing
- s. Machine Shop
- t. Mini-Warehouse or Self-Storage Facilities
- u. Motel or Hotel
- v. Packaging and Delivery Services
- w. Printing Establishment
- x. Public Parking Lot
- y. Public Utility Building or Structure
- z. Repair Shop
- aa. Research and Development, including Pilot Manufacturing
- bb. Restaurant

- cc. Vehicle Repair Garage
- dd. Warehousing and Distribution
- ee. Wholesale Business

2. Accessory Uses

- a. Communications Antenna Mounted on an Approved Communications Tower, subject to Section 1112
- b. Off-Street Parking and Loading, subject to Article XII
- c. Retail Sales of Products Produced On-Site
- d. Signs, subject to Article XIII
- e. Storage Building, subject to Section 1103
- f. Temporary Construction Trailer, subject to Section 1107
- g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

B. CONDITIONAL USES

1. Principal Uses

- a. Heavy Manufacturing, subject to §1003.9
- b. Mineral Removal, subject to §1003.12
- c. Planned Industrial Park, subject to §1003.15
- d. Shopping Center, subject to §1003.18
- e. Supply Yard, subject to §1003.6

2. Accessory Uses

None

C. USES BY SPECIAL EXCEPTION

1. Principal Uses

- a. Communications Tower, subject to §1003.4
- b. Comparable Uses Not Specifically Listed, subject to §1003.5
- c. Equipment Storage Yard, subject to §1003.6
- d. Junk Yard, subject to §1003.11
- e. Temporary Use or Structure, subject to §1003.19
- f. Truck and Heavy Equipment Rental, Sales and Service, subject to §1003.21

2. Accessory Uses

None

SECTION 902 AREA AND BULK REGULATIONS

In the M-1, Industrial District, all uses shall be subject to the following regulations except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article X.

A. **MINIMUM SITE AREA:**

Planned Industrial Park:	Three (3) acres
Planned Shopping Center:	One (1) acre

B. **MINIMUM LOT AREA:**

Communications Towers:	10,000 square feet
Public Utility Structures:	None Required
All Other Principal Uses:	20,000 square feet

C. **MINIMUM LOT WIDTH:**

100 feet

D. **DISTANCE BETWEEN BUILDINGS:**

(Where two or more buildings occupy the same lot)

20 feet

E. **MINIMUM FRONT YARD:**

50 feet

F. **MINIMUM REAR YARD:**

Principal Structures:	50 feet
Accessory Structures:	20 feet

G. **MINIMUM SIDE YARD:**

Principal and Accessory Structures:	20 feet
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H. **SPECIAL YARD REQUIREMENTS:**

See Section 1103

I. **PERMITTED PROJECTIONS INTO REQUIRED YARDS:**

See Section 1104

J. **MAXIMUM HEIGHT:**

All Principal Structures:	3 stories, but no more than 45 feet
All Accessory Structures:	1 story, but no more than 20 feet

K. **HEIGHT EXCEPTIONS:**

See Section 1105

SECTION 903	OFF-STREET PARKING AND LOADING	See Article XII
SECTION 904	SIGNS	See Article XIII
SECTION 905	BUFFER AREAS AND LANDSCAPING	See Section 1102
SECTION 906	STORAGE	See Section 1109
SECTION 907	ENVIRONMENTAL PROTECTION	See Section 1113

ARTICLE X

EXPRESS STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

SECTION 1000 APPLICABILITY

The following procedures shall apply to all applications for approval of a conditional use or use by special exception in all Zoning Districts.

SECTION 1001 PROCEDURE FOR APPROVAL

1001.1 Approval of Conditional Use

The Borough Council shall hear and decide requests for conditional uses; however, Borough Council shall not approve a conditional use application unless and until:

- a. A written application for conditional use approval is submitted to the Zoning Officer or his/her designated representative no less than ten (10) calendar days prior to the regular meeting of the Planning Committee. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 1. A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 3. The applicable fee required by Section 1608 of this Ordinance.
- b. A written recommendation is received from the Borough Planning Committee or forty-five (45) days has passed from the date of the Planning Committee meeting at which the application is first (1st) considered for approval.
- c. A public hearing is conducted by Borough Council pursuant to public notice, as defined herein, and said hearing is scheduled no more than sixty (60) days following the date of submission of the application, unless the applicant has agreed, in writing, to an extension of time.
- d. Each subsequent hearing before Borough Council shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant, in writing, or on the record. An applicant shall complete the

presentation of his case-in-chief within one hundred (100) days of the first (1st) hearing. Upon the request of the applicant, Borough Council shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first (1st) hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first (1st) hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- e. Borough Council shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- f. Where Borough Council fails to render a decision within the required forty-five (45) days or fails to commence, conduct or complete the required hearings as specified in Subparagraphs "c" and "d", above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of Borough Council to meet or render a decision as provided herein, Borough Council shall give public notice, as defined herein, of said deemed approval within ten (10) days from the last day it could have met to render a decision. If Borough Council shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.
- g. In considering an application for conditional use approval, Borough Council may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1601 of this Ordinance.

1001.2 Expiration of Conditional Use Approval

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a Building Permit or an Occupancy Permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless Borough Council, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

1001.3 Approval of Uses by Special Exception

The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

- a.** A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - 1.** A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - 2.** A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - 3.** The application fee required by Section 1608 of this Ordinance.
- b.** A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time. Said hearing shall be conducted in accordance with the procedures specified by Section 1507 of this Ordinance.
- c.** In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1601 of this Ordinance.

- d. If land development approval is required for the use by special exception, the application for approval of a land development required by the Borough Subdivision and Land Development Ordinance shall be submitted to the Borough Planning Committee following approval of the use by special exception by the Zoning Hearing Board.

1001.4 Expiration of Approval of a Use By Special Exception

Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a Building Permit or an Occupancy Permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception, upon written request of the applicant, received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

SECTION 1002 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1003, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- B. The use shall comply with the Performance Standards of Section 1101 of this Ordinance.
- C. The use shall comply with all applicable requirements of Article XI providing Supplementary Regulations, Article XII governing parking and loading, Article XIII governing signs and all other applicable provisions of this Ordinance.
- D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- E. For all uses that are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

SECTION 1003 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1002, above, an application for any of the following uses that are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

1003.1 Adult Business, subject to:

- a.** Adult businesses, as defined by this Ordinance, shall not be permitted in any Zoning District other than the B-1, Business District. Conditional use approval shall be required in accordance with the following standards.
- b.** An adult business shall not be located within one thousand (1,000) feet of any of the following uses: a church; public or private pre-elementary, elementary or secondary school; public library; day care center or pre-school facility; public park or residential dwelling. The distance shall be measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
- c.** Any adult business, other than an adult motel, that exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction that depicts nudity or sexual conduct, as defined herein, shall comply with the following:
 - 1.** At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - 2.** The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.
 - 3.** It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.

4. No viewing room shall be occupied by more than one (1) person at a time. No connections or openings to an adjoining viewing room shall be permitted.
 5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
 6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers.
- d. If the adult business involves live performances, the performers shall not have easy access to the viewers present.
 - e. The owner and operator of any adult nightclub shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy exceeds fifty (50) persons.
 - f. No stock in trade that depicts nudity or sexual conduct shall be permitted to be viewed from the sidewalk, street or highway.
 - g. No signs or other displays of products, entertainment or services shall be permitted in any window or other area that is visible from the street or sidewalk.
 - h. Windows shall not be covered or made opaque in any way.
 - i. Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only. The term adult shall have the meaning provided by applicable statutory law.
 - j. Owners and operators of adult businesses shall obtain a license to operate from the Borough. In addition, such owners or operators shall supply to the Borough such information regarding ownership and financing of the proposed business as is required by the Borough's licensing application. Applications for licensing shall be filed with the Borough Secretary.
 - k. The adult business shall be initially licensed upon compliance with all requirements of this Section and provisions of the required licensing application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Borough Secretary by November 1st of the year preceding the

year for which renewal is sought. The lack of license or failure to renew such license in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the adult business.

- I. Off-street parking shall be provided in accordance with the requirements of Article XII of this Ordinance.

1003.2 Assisted Living Facility; Independent Living Facility, subject to:

- a. The minimum site required shall be five (5) acres.
- b. The maximum dwelling unit density shall be eighteen (18) units per acre.
- c. An assisted living facility shall include the following supporting uses:
 - 1. Common leisure and/or recreational areas
 - 2. Common dining area
- d. In addition, an assisted living facility may include one (1) or more of the following supporting uses, subject to approval by the Borough:
 - 1. Postal station for use of the residents and staff only;
 - 2. Banking facility for use of the residents and staff only;
 - 3. Pharmacy and/or medical offices for use of the residents only;
 - 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities and dry cleaning valet;
 - 5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 - 6. Elderly day care center licensed by the Commonwealth;
 - 7. Taxi, van or similar transportation services for the residents.
- e. A Buffer Area, as described in §1102.1 of this Ordinance, shall be provided along all property lines adjacent to property in an R-L, R-1 or C-D District.
- f. Parking shall be provided in accordance with the requirements of Article XII except that additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

1003.3 Billboards, subject to:

- a. All billboards shall be subject to the express standards and criteria contained in Section 1306 of this Ordinance.

1003.4 Communications Tower, subject to:

- a. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- b. Any applicant proposing a new freestanding communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - 1. The proposed equipment would exceed the structural capacity of the existing building, communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
 - 2. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - 3. Existing buildings, communications towers or other structures do not have adequate space to accommodate the proposed equipment.
 - 4. Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels that exceed any adopted local, Federal or State emission standards.
- c. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- d. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.
- e. In the P-S, B-1 and M-1 Districts, the maximum height of a communications tower shall be one hundred (100) feet. In the C-D District, the maximum height of a communications tower shall be two hundred (200) feet.

- f. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- g. The setback from all property lines (excluding lease lines) required for the communications tower shall be one hundred percent (100%) of the height of the tower.
- h. Tower height shall be measured from the ground level to the top point of the tower or top point of the highest communications antenna, whichever is higher.
- i. Communications towers shall be set back from all overhead electrical transmission or other above ground lines a distance equal to the height of the tower.
- j. A communications tower shall not be located on any property that is listed on an historic register or in an official designated State or Federal historic site.
- k. The communications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-Manual, as amended.
- l. The communications tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.
- m. The applicant shall submit evidence that the communications tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Uniform Construction Code (UCC) and accepted engineering practice.
- n. Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures. Setbacks shall be measured from the lease lines.
- o. Access shall be provided to the communications tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- p. The owner of the communications tower shall be responsible for maintaining the parcel on which the tower is located, as well as the means of access to the tower, including clearing and cutting of vegetation, snow removal and maintenance of the access driveway surface.

- q. The owner of any communications tower that exceeds fifty (50) feet in height shall submit to the Borough proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and reinspected and certified to the Borough by a structural engineer at the owner's expense.
- r. The owner of the communications tower shall notify the Borough immediately upon cessation or abandonment of the operation. The owner of the communications tower shall enter into an agreement with the Borough guaranteeing that the tower shall be dismantled and removed within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Borough to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of Section 1601 of this Ordinance.
- s. All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- t. All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- u. No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- v. The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.
- w. The base of the tower shall be landscaped suitable to the proposed location of the tower, if the base of the tower is visible from adjoining streets or residential properties.
- x. At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers.
- y. No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FA) or the Federal Communications Commission (FCC).

1003.5 Comparable Uses Not Specifically Listed, subject to:

- a.** Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any comparable use specifically listed in the Zoning District. In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed use:

 - 1.** The number of employees;
 - 2.** The floor area of the building or gross area of the lot devoted to the proposed use;
 - 3.** The type of products, materials and equipment and/or processes involved in the proposed use;
 - 4.** The magnitude of walk-in trade;
 - 5.** Hours of operation;
 - 6.** The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1101 of this Ordinance; and
 - 7.** For those uses included in the most recent edition of the Standard Industrial Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same SIC Code or Major Group Number as one (1) or more uses that are specifically listed in the Zoning District.
- b.** The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- c.** The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.
- d.** The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1003.6 Equipment Storage Yard; Supply Yard, subject to:

- a. The minimum site required for an equipment storage yard or supply yard shall be two (2) acres.
- b. All areas used for storage and movement of equipment shall be improved with a dust-free, all-weather surface. Any areas not paved with hard surface shall have a dust control plan that is submitted to the Borough Engineer for review and approval.
- c. All outdoor storage areas shall be secured by a fence with self-latching gate that is a minimum of six (6) feet in height.
- d. All outdoor storage of materials and equipment shall be located behind the front building line.
- e. A Buffer Area, as described in §1102.1 of this Ordinance shall be provided along all property lines adjoining property located in an R-L, R-1 or C-D District.
- f. No repair of vehicles or equipment shall be permitted outside a completely enclosed building, as defined herein.
- g. All operations shall comply with the Performance Standards of Section 1101 of this Ordinance.
- h. Engines shall not be started or kept running before 6:30 A.M. or after 8:00 P.M. if the site is located within five hundred (500) feet of an existing dwelling, measured from any site boundary to any wall of an existing dwelling.
- i. All lighting shall be shielded and reflected away from streets and any adjoining residential properties.
- j. A stormwater management plan to control runoff of surface water shall be submitted for review and approval by the Borough Engineer.
- k. Off-street parking and loading shall be provided in accordance with Section XII, of this Ordinance.

1003.7 Family Day Care Homes, subject to:

- a. All of the applicable criteria for a home occupation specified in §1003.10 shall be met.
- b. Evidence shall be submitted that all applicable requirements of the Pennsylvania Department of Public Welfare have been met and continuing compliance shall be maintained.

- c. An adequate and safe off-street area shall be provided for dropping off and picking up children.
- d. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
- e. Outdoor play areas shall have a minimum area of four hundred (400) square feet.

1003.8 Garden Apartments, subject to:

- a. The minimum site required to construct garden apartments shall be one (1) acre.
- b. The minimum lot area per dwelling unit shall be two thousand five hundred (2,500) square feet.
- c. All applicable area and bulk regulations of the District in which the garden apartments are proposed shall apply.
- d. All parking areas adjacent to property containing a single family dwelling or two family dwelling shall be screened by a Buffer Area, as described in §1102.1 of this Ordinance.
- e. All portions of the property not covered by buildings, driveways, parking and recreation facilities shall be suitably landscaped with grass, ground cover and decorative shrubs or trees.
- f. The design and orientation of the buildings on the property shall take into account compatibility with and visual impact on any adjacent properties that contain single family or two family dwellings.
- g. On lots containing more than twenty-four (24) dwelling units, indoor or outdoor recreational facilities appropriate to the needs of the residents shall be provided.

1003.9 Heavy Manufacturing, subject to:

- a. All activities shall comply with the Performance Standards specified in Section 1101 of this Ordinance.
- b. A Buffer Area, as described in §1102.2 of this Ordinance shall be provided along all property lines that adjoin property located in a C-D, P-S, R-L or R-1 District.

- c. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- d. Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- e. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- f. Off-street parking and loading shall be provided in accordance with Article XII of this Ordinance.

1003.10 Home Occupations, subject to:

- a. The home occupation shall be carried on by a member of the family residing in the dwelling unit. No more than one (1) person who is not a resident of the dwelling unit shall be employed in the dwelling unit.
- b. No more than twenty-five percent (25%) of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- c. The home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure.
- d. There shall be no mass production of products that involves processing of raw materials on the premises of the home occupation. Assembly of products from finished materials may be accomplished on the premises.
- e. A limited number of samples of articles produced on the premises may be displayed for the purposes of accepting orders. Articles produced on the premises shall be displayed in quantity only off the premises at a retail outlet, consignment shop or product or craft show.
- f. There shall be no display on the premises of merchandise available for sale that has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business. In addition, small amounts of products may be sold as an accessory use to the principal use, such as sale of beauty products accessory to a beauty shop and similar situations.

- g.** There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than one (1) square foot in surface area containing only the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.
- h.** The use shall not require internal or external alterations or construction features that are not customary to a dwelling or that change the fire rating of the structure.
- i.** Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of Section 1101 of this Ordinance.
- j.** The use shall not significantly intensity vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- k.** There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- l.** The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- m.** The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.
- n.** Materials or equipment used in the home occupation shall not be stored outside.
- o.** Any home occupation where customers, clients or students routinely visit the premise shall provide a paved off-street parking area in accordance with the requirements of Article XII for the specific use in addition to the spaces required for the dwelling.
- p.** The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
 - 1.** Artist, photographer or handicrafts studio;
 - 2.** Beauty or barber shop containing no more than two (2) chairs;
 - 3.** Catering off the premises;
 - 4.** Contracting business, as defined herein, excluding landscaping contractor;
 - 5.** Computer programmer, data processor, writer;
 - 6.** Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
 - 7.** Dressmaker, tailor;
 - 8.** Professional offices that involve routine visitation by customers or clients;
 - 9.** Housekeeping or custodial services;
 - 10.** Interior designer;

11. Jewelry and/or watch repair, not including wholesale or retail sales;
 12. Locksmith;
 13. Mail order business;
 14. Manufacturer's representative;
 15. Telemarketing;
 16. Travel agent;
 17. Tutoring or any other instruction to no more than five (5) students at any one time;
 18. Word processing, typing, secretarial services.
- q. The acceptability of any proposed home occupation not specifically listed in §1003.10(p), above, shall be determined by the Zoning Hearing Board in accordance with the standards of this §1003.10 and the applicable criteria for Comparable Uses Not Specifically Listed in §1003.5.
- r. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:
1. Beauty shops or barber shops containing more than two (2) chairs;
 2. Blacksmith or metal working;
 3. Boarding stables or riding academies;
 4. Contractor's yard;
 5. Funeral homes;
 6. Group care facility, personal care boarding home or transitional dwelling;
 7. Kennels;
 8. Landscaping contractors;
 9. Medical clinics, hospitals or nursing homes;
 10. Private clubs;
 11. Repair shop;
 12. Restaurants or tea rooms;
 13. Retail or wholesale sales; flea markets;
 14. Sale of guns, firearms and ammunition;
 15. Tanning or massage salon;
 16. Tourist or boarding home, other than bed and breakfast;
 17. Tutoring or any other instruction to more than five (5) students at a time;
 18. Vehicle or equipment rental, repair or sales;
 19. Vehicle repair garages;
 20. Veterinary clinic.

1003.11 Junk Yard, subject to:

- a. The minimum site required shall be ten (10) acres.
- b. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- c. No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.
- d. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1601 of this Ordinance.
- e. The manner of storage of junk or other materials or equipment on the site shall facilitate access for firefighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- f. The junk yard operation shall comply with the Performance Standards of Section 1101 of this Ordinance.
- g. No junk shall be stored or accumulated and no structure shall be located within three hundred (300) feet of any dwelling or within one hundred (100) feet of any property line or public street.
- h. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph j, below, and shall be maintained in good condition.
- i. The fence shall be supplemented with screening material that creates a visual barrier that is at least eighty percent (80%) opaque.
- j. A Buffer Area, as described in §1102.1 of this Ordinance, shall be provided along all property lines adjoining property in a C-D, P-S, R-L or R-1 District.
- k. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets and properties.
- l. The operator shall submit a stormwater management plan to control runoff for review and approval by the Borough Engineer.

- m. The operator shall obtain a license from the Borough prior to initiating operations that shall be renewable annually upon payment of the required license fee established from time to time by Resolution of Borough Council and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.
- n. Off-street parking and loading shall be provided in accordance with Article XII of this Ordinance.

1003.12 Mineral Removal, subject to:

- a. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and from the requirement to obtain approval of a conditional use application, provided evidence is presented to the Borough that all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) are met.
- b. There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- c. Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- d. No mineral removal shall be conducted within three hundred (300) feet of the property line of any public building, school, church, community or institutional building, commercial building, public park or noncommercial recreational area.
- e. No mineral removal shall be conducted within one hundred (100) feet of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
- f. No mineral removal shall be conducted that will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- g. No mineral removal shall be conducted within one hundred (100) feet of the property line of a cemetery.

- h.** No mineral removal shall be conducted within three hundred (300) feet of the property line of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for conditional use approval.
- i.** No open pit or stockpiled material shall be located within six hundred (600) feet of any occupied dwelling, public building, school, church, community or institutional building, commercial building, public park or noncommercial recreational area.
- j.** The applicant shall submit to the Borough a copy of all materials provided to the Pennsylvania Department of Environmental Protection (PA DEP) with the permit application.
- k.** The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on Borough streets and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Borough.
- l.** The operator shall post a bond in favor of the Borough and in a form acceptable to the Borough prior to beginning operations in the amount of twelve thousand five hundred dollars (\$12,500.00) for each mile of Borough street or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and any reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the street. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Borough streets that have been damaged shall be determined by inspection of the Borough Engineer and shall be reconstructed to current Borough specifications for street construction.
- m.** Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- n.** No top-of-slope or quarry wall shall be located closer than one hundred (100) feet to any property or street line. The perimeter surrounding the area of operation shall be fenced with a chain link fence of a minimum height of six (6) feet to prevent access by both animals and children.
- o.** No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted.

- p.** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.
- q.** If blasting is proposed, it shall be subject to approval by Borough Council. Applications for approval of blasting shall include the following information:
- 1.** A site survey documenting the land uses on the perimeter of the site;
 - 2.** Photographs of pre-existing conditions on immediately adjacent properties;
 - 3.** Credentials, certifications and experience of the contractor selected to perform the blasting;
 - 4.** References from previous projects of similar size and nature;
 - 5.** A geotechnical report prepared by a qualified geotechnical engineer documenting subsurface conditions on the site and the potential impacts on adjoining properties and recommendations to mitigate negative impacts.

If blasting is approved, a seismograph shall be placed on the site during all times when blasting is performed. Seismograph readings shall be monitored by an independent engineering consultant whose credentials are acceptable to the Borough and whose fee is paid by the applicant.

- r.** The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- s.** Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six (6) months of the date of approval of the conditional use application by Borough Council, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.
- t.** Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by Borough Council. An application for renewal of zoning approval

shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.

- u. During the mineral removal operation, the Borough Engineer may inspect the site at the request of Borough Council to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Borough Engineer shall be borne by the operator.

1003.13 Mobile Home Park, subject to:

- a. The application shall comply with all applicable requirements of the Borough Mobile Home Park Ordinance No. 144, as amended.
- b. The minimum site required for a mobile home park shall be ten (10) contiguous acres.
- c. The site shall be served by public water and public sanitary sewers.
- d. The minimum mobile home lot shall be ten thousand (10,000) square feet in area. The minimum lot width shall be seventy-five (75) feet.
- e. Minimum setbacks and distances between mobile homes shall comply with the requirements of the Borough Mobile Home Park Ordinance.
- f. Every mobile home slab shall have access to a public or private street constructed in accordance with the requirements of the Borough Subdivision and Land Development Ordinance.
- g. Each mobile home lot shall provide two (2) off-street parking spaces.

1003.14 Personal Care Boarding Home, subject to:

- a. The minimum area and bulk regulations for a Personal Care Boarding Home shall be the same as those required for "all other principal uses", in the Zoning District in which the facility is located.
- b. No personal care boarding home shall be located within five hundred (500) feet of another existing or proposed Personal Care Boarding Home.
- c. In the R-L District, the maximum number of residents housed in a Personal Care Boarding Home shall be ten (10). In the R-1 District, the maximum number of residents housed in the Personal Care Boarding Home shall be eight (8). In the B-1 District, there shall be no limitation on the number of residents housed.

- d. Adequate provisions shall be made for access by emergency medical and firefighting vehicles.
- e. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- f. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- g. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a Certificate of Occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

1003.15 Planned Industrial Park, subject to:

- a. The minimum site area required for a Planned Industrial Park shall be three (3) acres.
- b. Once the improvements are completed in an approved Planned Industrial Park, lots within an approved and recorded plan may be sold and developed as independent entities for any authorized use in the M-1 District.
- c. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the M-1 District shall be permitted in the Planned Industrial Park.
- d. The Planned Industrial Park shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.
- e. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.
- f. A perimeter setback of fifty (50) feet shall be maintained along the side and rear property lines of the Planned Industrial Park development site.
- g. All property lines that adjoin property in the R-L, R-1, C-D or P-S District shall be screened by a Buffer Area, as described in §1102.1 of this Ordinance.
- h. All proposed uses shall comply with the Performance Standards of Section 1101 of this Ordinance.

1003.16 Public Utility Buildings or Structures, subject to:

- a. The minimum lot area required for buildings intended for human occupancy or storage of equipment shall be twenty thousand (20,000) square feet. There shall be no minimum lot area required for all other structures.
- b. Maintenance vehicles shall be stored within a completely enclosed building, as defined herein.
- c. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum eight (8) foot high fence with locking gate and is screened by one hundred percent (100%) opaque screening material placed in the fencing or by a six (6) foot high dense, compact evergreen hedge.
- d. Any area of the building that is used for business offices shall comply with the parking requirements of Article XII of this Ordinance for that use. Any area of the building that is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each one thousand five hundred (1,500) feet of gross floor area devoted to that use.

1003.17 Research and Development; Pilot Manufacturing, subject to:

- a. The use shall comply with all applicable area and bulk regulations of the B-1 District.
- b. Pilot manufacturing shall not be permitted as part of a research and development facility in the B-1 District.
- c. In the M-1 District, pilot manufacturing, as defined herein, may be established as part of a research and development facility, however, it shall not be authorized as a principal use unless it is conducted in conjunction with research and development conducted on the same property.
- d. Off-street parking and loading shall be provided in accordance with the requirements of Article XII of this Ordinance.
- e. All research and development activities shall be conducted entirely within a completely enclosed building, as defined herein.
- f. A Buffer Area, as described in §1102.1 of this Ordinance shall be provided along all property lines that adjoin property in an R-L, R-1, C-D or P-S District.
- g. All uses shall comply with the Performance Standards specified in Section 1101 of this Ordinance.

- h. Handling and disposal of hazardous materials shall be in accordance with all applicable permits and regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1003.18 Shopping Center, subject to:

- a. The minimum site shall be one (1) acre.
- b. The shopping center shall be designed to minimize points of access to the public street.
- c. Ingress, egress and internal traffic circulation shall be designed to minimize congestion and ensure safety and provide access for emergency and fire vehicles.
- d. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote design and efficiency.
- e. All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- f. There shall be no storage of materials or equipment outside a completely enclosed building, as defined herein. All sales shall be conducted within a completely enclosed building.
- g. All uses shall be located at least forty (40) feet from any property line that adjoins property in an R-L, R-1, C-D or P-S District.
- h. All parking areas shall be located at least twenty (20) feet from any property line of any property located in an R-L, R-1, C-D or P-S District.

1003.19 Temporary Uses or Structures, subject to:

- a. Approval for temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted by the Zoning Officer for annual renewal of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
- b. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

- c. All temporary uses or structures that are proposed to be accessible to the public shall provide parking in accordance with the requirements of Article XII for the proposed use.
- d. Vehicular access for all temporary uses or structures that are proposed to be accessible to the public shall be designed to minimize congestion on the site and not impede the free flow of traffic for any other permanent use or structure on the site.
- e. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all applicable area and bulk regulations for the Zoning District in which they are located. All temporary uses or structures that are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
- f. Temporary uses or structures that are authorized for a particular event shall be removed within forty-eight (48) hours after completion of the event.
- g. Temporary uses or structures that are proposed as principal uses or structures and that are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the site.

1003.20 Townhouses, subject to:

- a. In the R-L District, the minimum site required to construct townhouses shall be five (5) acres.
- b. In the R-L District, the minimum lot area per dwelling unit shall be six thousand (6,000) square feet per dwelling unit.
- c. The minimum setback from any property line that adjoins property outside the townhouse development that is zoned R-L or R-1 shall be forty (40) feet.
- d. All property lines that adjoin property outside the townhouse development that is zoned R-L or R-1 shall be screened by a Buffer Area, as described in §1102.1 of this Ordinance.
- e. Where two (2) or more buildings are proposed on one (1) lot, the minimum distance between buildings shall be twenty (20) feet.
- f. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos or other paved areas shall be suitably landscaped with grass, ground cover and decorative shrubs or trees.

- g. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjacent single family residential properties. The building and the property shall be effectively landscaped to minimize such impacts on adjacent residential properties.
- h. On lots containing more than twenty-four (24) dwelling units, indoor or outdoor recreational facilities appropriate to the needs of the prospective residents shall be provided subject to approval by Borough Council.
- i. Off-street parking shall be provided in accordance with the requirements of Article XII. At least one (1) of the required parking spaces for each dwelling unit shall be in an enclosed garage.

1003.21 Truck and Heavy Equipment Rental, Sales and Service, subject to:

- a. The minimum site required for truck and heavy equipment rental, sales and service shall be one (1) acre.
- b. No part of any truck or heavy equipment or accessories displayed outdoors shall be located less than forty (40) feet from the property line adjoining any property located in an R-L, R-1, C-D or P-S District nor less than ten (10) feet from any other property line.
- c. No vehicle or equipment shall encroach onto or be parked on any adjacent property or any public street right-of-way.
- d. No vehicle shall be displayed or offered for sale that does not have all of the mechanical and body components necessary for its safe and lawful operation.
- e. A permanent structure for office administration, sales, rental and/or servicing shall be provided.
- f. All property lines adjoining property located in an R-L, R-1, C-D or P-S District shall be screened by a Buffer Area, as described in §1102.1 of this Ordinance.

1003.22 Wholesale Business, subject to:

- a. The minimum lot area required shall be twenty thousand (20,000) square feet.
- b. In the B-1 District, all material and equipment shall be stored within a completely enclosed building, as defined herein. In the M-1 District, any outside storage of material and equipment shall be located in the rear or side yard, provided the storage area is screened from view from the street or adjacent properties in an R-L or R-1 District by a six (6) foot high hedge or opaque fence.

- c.** No shipping or receiving shall be permitted within three hundred (300) feet of property in an R-L or R-1 District between the hours of 7:00 P.M. and 7:00 A.M.
- d.** Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion and the impact on local streets.
- e.** Off-street parking and loading shall be provided in accordance with the requirements of Article XII of this Ordinance.
- f.** A Buffer Area, as described in §1102.1 of this Ordinance shall be provided along all property lines that adjoin property in an R-L, R-1, C-D or P-S District.

ARTICLE XI

SUPPLEMENTAL REGULATIONS

SECTION 1100 APPLICABILITY

The supplemental regulations in this Article supplement the requirements of Articles IV through IX governing each Zoning District and shall apply to all uses in all Zoning Districts.

SECTION 1101 PERFORMANCE STANDARDS

All permitted uses, conditional uses and uses by special exception in all Districts shall comply with the requirements of this Section. The method of determining compliance at the time of application and continuing compliance by an established use shall be subject to §1101.10 and §1101.11.

1101.1 Fire Protection

Fire prevention and fire fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

1101.2 Electrical Disturbance

No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

1101.3 Noise

No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

- a. **R-L, R-1, C-D and P-S Districts:** At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA for more than four (4) hours during a twenty-four (24) hour equivalent period.
- b. **B-1 District:** At no point on or beyond the boundary of any lot within this district shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.

- c. **M-1 District:** At no point on or beyond the boundary of any lot within this district shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.
- d. Where two (2) or more Zoning Districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
- e. The following uses or activities shall be exempt from the noise regulations:
 - a. Noises emanating from construction or maintenance activities between 7:00 A.M. and 9:00 P.M.;
 - b. Noises caused by safety signals, warning devices and other emergency-related activities or uses;
 - c. Noises emanating from public or private recreational uses between 7:00 A.M. and 11:00 P.M.
- f. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

1101.4 Vibrations

Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited.

1101.5 Odors

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I – Odor Thresholds for 53 Commercial Chemicals," October 1, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

1101.6 Smoke, Ash, Dust, Fumes, Vapors and Gases

There shall be no emission at any point for longer than five (5) minutes in any hour of visible gray or other color smoke, ash, dust, fumes, vapors or gases with a shade darker than No. 3 on the Standard Ringlemann Chart issued by the U.S. Bureau of Mines; nor

shall there be any emission at any point from any source that can cause damage to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.

1101.7 Glare

All lighting devices shall be designed with shields, reflectors or refractor panels that direct and cut off light at a cut-off angle that is less than sixty degrees (60°). (See illustration of cut-off angle in Appendix B.) In no case shall there be spillover lighting on any adjacent residential property in excess of 0.2 footcandle.

1101.8 Erosion

No runoff of water or erosion of land by wind or water shall be permitted onto adjacent properties. Measures satisfactory to the Washington County Conservation District and the Borough Engineer shall be installed to control runoff and/or erosion.

1101.9 Water Pollution

Water quality shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (PA DEP).

1101.10 Determination of Compliance with Performance Standards

During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

1101.11 Continuing Enforcement

The Zoning Officer shall investigate any purported violation of the performance standards applicable to any existing use or facility in any Zoning District and, subject to the approval of Borough Council, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Borough.

If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Section 1601 of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the Certificate of Occupancy for the facility or use.

SECTION 1102 BUFFER AREAS AND LANDSCAPING

1102.1 Buffer Area Described

The Buffer Area, as defined by this Ordinance and required by §1102.2, shall meet all of the following criteria. (See Appendix C for illustrations of Buffer Areas.)

- a. The depth of the Buffer Area shall be ten (10) feet as measured from the side or rear property line along which the Buffer Area is required.
- b. Where a Buffer Area is required, one (1) of the following options shall be provided:

Either:

- 1. a continuous, compact evergreen hedge or a line of evergreen trees that will grow together when mature which are at least six (6) feet in height at the time of planting; or
 - 2. on developed properties in any Zoning District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the planting requirements, a solid fence or masonry wall at least six (6) feet in height may be substituted for the required plantings.
- c. None of the required plantings shall encroach across any property line. All plantings shall be located so that, at maturity, all parts of the tree shall be a minimum of two and one-half (2½) feet from any public street right-of-way or any property line that constitutes the exterior boundary of the Buffer Area.
 - d. In the event that existing vegetation and/or existing topography provides screening that is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, Borough Council, upon recommendation by the Planning Committee, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by Borough Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.

- e. In the event that a public street right-of-way, dedicated and accepted by Penn DOT or the Borough separates the two (2) dissimilar uses specified, the Buffer Area shall not be required.
- f. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1103.4 of this Ordinance.
- g. Buildings, accessory structures (other than fences), parking spaces and lighting devices shall not be permitted in the required Buffer Area.

1102.2 Buffer Area Required

A Buffer Area as described in §1102.1 above shall be required under the following circumstances:

- a. Along all property lines where any development in the B-1 or M-1 District adjoins property in a C-D, P-S, R-L or R-1 District.
- b. Where the express standards and criteria for a conditional use or use by special exception in Section 1003 of this Ordinance specify that a Buffer Area is required.
- c. Along all property lines where the expansion of a legal nonconforming use in any R-L, R-1, P-S or C-D District adjoins property in an R-L or R-1 District.

1102.3 Conflict Between Buffer Area and Yard Requirements

When the width of a required Buffer Area is in conflict with the minimum yard requirements of Articles IV through IX, the greater distance shall apply. The Buffer Area planting requirement shall be adhered to regardless of the yard requirement.

1102.4 Existing Structures in Buffer Areas

In instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure that encroaches on the required Buffer Area. The required Buffer Area, as determined by §1102.2, shall apply on all other sides of the existing structure.

1102.5 Existing Trees in Buffer Areas

Where trees already exist within the required Buffer Area, these trees shall remain undisturbed, except that diseased or dead material may be removed. When any dead or diseased trees are removed from a required Buffer Area, they shall be replaced by trees suitable to the environment. (See Appendix D for a suggested list of plant materials.) All such replacement planting shall be in accordance with accepted conservation practices.

1102.6 Landscaping of Open Areas

All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase “a reasonable period of time” shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1st through April 1st time period. In such case, the required sodding or seeding shall occur by May 1st. Erosion and sedimentation controls acceptable to the Borough Engineer shall be installed during the winter months and until such landscaping is completed.

1102.7 Responsibility for Maintenance

It shall be the responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. The landowner shall record a restrictive covenant on the land guaranteeing perpetual maintenance and preservation of the required Buffer Area. Upon inspection by the Borough and issuance of an Enforcement Notice in accordance with Section 1601 of this Ordinance, the landowner or lessee shall replace required landscaping materials with like type and size if the required plant materials do not survive for any reason at any time after occupancy of the property.

1102.8 Posting of Bond for Landscaping

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Borough in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

SECTION 1103 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

1103.1 Corner Lots

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

1103.2 Nonconforming Lots of Record

See Section 1403 of this Ordinance.

1103.3 Accessory Structures

In all Zoning Districts, the following accessory structures are not regulated by this Ordinance: sidewalks, driveways, patios, flagpoles, decorative walls, retaining walls, children's playhouses and shelters for domestic pets. In all Zoning Districts the following regulations shall apply to the accessory structures described below:

a. Private Swimming Pools Accessory to a Dwelling

Swimming pools accessory to a dwelling shall be located at least fifteen (15) feet from the rear property line. Swimming pools accessory to a dwelling shall not be permitted in the minimum required front yard or in the minimum required side yard.

All swimming pools shall be enclosed by a continuous fence or wall not less than four (4) feet in height with a self-closing, self-latching gate designed to prevent access to the pool when it is not in use. The dwelling may be part of the enclosure.

In the case of an above-ground pool, when any point on the top circumference of the pool is less than four (4) feet above the adjacent ground level, the entire pool shall be enclosed by a continuous fence or wall not less than four (4) feet in height with a self-closing, self-latching gate. Any above-ground pool that is at least four (4) feet above the adjacent ground level around the entire top circumference of the pool shall not be required to be fenced, provided the pool has a retractable ladder or steps that are kept retracted when the pool is not in use.

b. Private Sports Courts Accessory to a Dwelling

Sports courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than fifteen (15) feet. Lighting of the sports court shall not be permitted. All sports courts shall be enclosed by a fence that is a minimum of ten (10) feet in height and a maximum

of twelve (12) feet in height and shall contain openings equal to fifty percent (50%) or more of the surface area of the fence. The area of the sports court shall not exceed fifty percent (50%) of the total area of the lot defined by the side lot lines, rear lot line and rear wall of the dwelling.

c. Fences

1. General Regulations for All Fences

- a.** No fence in any Zoning District shall be constructed in any public street right-of-way.
- b.** All fences shall comply with the clear sight triangle requirements of §1103.4.
- c.** All fences that are accessory to a single family dwelling or a two family dwelling shall be installed so that the finished side faces the street and the adjoining property.
- d.** Fences may be located on the property line, except that, if a fence already exists on adjoining property, one (1) of the following shall apply:
 - [1]** the proposed fence shall be set back at least three (3) feet from the property line along which the existing fence is located; or
 - [2]** the proposed fence shall be attached to the corner of the existing fence with the permission of the owner of the existing fence and the existing fence shall be utilized for the length of the common property line. In this case, the material and type of the proposed fence shall be similar to the material and type of the existing fence.
- e.** Fences shall be maintained in good condition at all times and shall be painted or stained on a regular basis, unless made of maintenance-free material.
- f.** Fences of the following materials shall be permitted: wrought iron, steel, aluminum, plastic, composite, vinyl coated or galvanized wire, wood and metal.
- g.** Fences of the following types shall be permitted subject to compliance with this §1103.3c governing the percentage of the surface area of the fence which shall be open: chain link, split rail, picket, board, basket weave and lattice.

- h. In the CD, R-L and R-1 Districts, barbed wire fencing shall not be permitted and vinyl screening material shall not be woven into a chain link fence.
- i. Temporary fences around gardens shall be exempt from these requirements and from the requirement to obtain a permit, provided the height of the fence shall not exceed six (6) feet and the openings in the fence comprise seventy-five percent (75%) or more of the surface area of the fence.

2. Fences on the Common Property Line Between Attached Dwelling Units

- a. In the case of a two family dwelling or townhouse building where each unit is on a separate lot, a fence may be erected on the common property line that separates the dwelling units, provided the fence does not exceed six (6) feet in height.
- b. The fence may be solid or may have openings equal to or greater than fifty percent (50%) of the surface area of the fence.
- c. If the lot abuts an alley, a solid fence shall be set back from the right-of-way for the alley at least three (3) feet or the height of the fence shall be stepped down to a height of three (3) feet or less for a minimum distance of three (3) feet from the alley right-of-way.
- d. If the lot abuts an alley, fences with openings that are equal to or greater than fifty percent (50%) of the surface area of the fence may extend to the rear lot line abutting the alley right-of-way.

3. Fences in the Side and Rear Yards

Fences may be located anywhere behind the minimum front yard setback, including in the side and rear yard setbacks, provided the following requirements are met:

- a. The fence shall not exceed six (6) feet in height.
- b. The openings in the fence shall comprise at least fifty percent (50%) of the surface area of the fence.

4. Fences in the Front Yard

Fences that are erected in the are between the street right-of-way and the minimum required front yard setback shall meet all of the following regulations:

- (a) Fences in the front yard shall not exceed four (4) feet in height, except that on corner lots, the maximum height of a fence located within the clear sight triangle required by §1103.4 shall be three (3) feet.
- (b) Openings in fences located in the front yard shall be equal to fifty percent (50%) or more of the surface area of the fence.
- (c) Front yard fences shall not create a continuous enclosure of the front yard. Front yard fences shall be decorative and may be incorporated in the landscaping design. The total length of the decorative fencing shall constitute no more than twenty-five percent (25%) of the perimeter of the front yard (measured along the side lot lines in front of the minimum required front yard setback and the front lot line).

5. Fences in the B-1 and M-1 Districts

- (a) The fence shall not exceed eight (8) feet in height.
- (b) The openings in the fence shall comprise at least fifty percent (50%) of the surface area of the fence, unless the fence is a screening fence required by this Ordinance to provide a buffer area or to screen dumpsters or outdoor storage areas.

d. Satellite Dish Antennas

Satellite dish antennas for personal use by private citizens, but not including communications antennas, as defined by this Ordinance, shall be permitted as an accessory use subject to the following requirements:

- 1. Satellite dish antennas that have a diameter of one (1) meter or less shall be exempted from these regulations.
- 2. In the case of satellite dish antennas greater than one (1) meter in diameter, only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas shall not be permitted in front yards. In the R-L and R-1, Residential Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet.

3. In Zoning Districts other than the R-L and R-1, Residential Districts, any satellite dish antenna greater than one (1) meter in diameter that is installed on any lot or on any roof or above any building shall not exceed twenty (20) feet in diameter. In all Zoning Districts, the maximum height of any freestanding satellite dish antenna shall be twenty-five (25) feet and, in the case of satellite dish antennas mounted on a roof or above a building, the maximum height shall be no greater than twenty-five (25) feet above the highest point on the roof.
4. In all Zoning Districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line.

e. **Radio or Television Antennas**

A radio or television antenna maintained by private citizens for personal or household use, including, but not limited to: amateur radio stations, citizen band base stations and television antennas (other than satellite dish antennas) shall be permitted as an accessory use, subject to the following requirements, except as these requirements may be superseded by any applicable Federal Communications Commission (FCC) ruling or Pennsylvania Statute.

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard only, provided that no such structure shall be located within twenty (20) feet of any property line.
2. The maximum height for such structure shall not exceed that otherwise allowed in the Zoning District in which it is located by more than twenty (20) feet. If placed on a roof, any antenna structure exceeding eight (8) feet in height shall be mounted with guyed wires.
3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission (FCC) regulations.
4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Borough.

f. **Residential Accessory Storage Structures, Carports and Detached Garages**

1. No carport, detached garage or storage structure accessory to a dwelling shall be located in the minimum required front yard.
2. In the R-L District, carports, detached garages and storage structures accessory to a dwelling shall be located at least five (5) feet from any side or rear property line.

3. In the R-1 District, carports, detached garages and storage structures accessory to a dwelling shall be located at least three (3) feet from any side or rear property line, including where the rear lot line adjoins the right-of-way for an alley

g. Structures Accessory to Nonresidential Structures and Buildings

No structure accessory to a nonresidential building or structure, other than a sign or off-street parking area, shall be located in the front yard. Off-street parking areas and signs shall be subject to the requirements of Articles XII and XIII.

Structures accessory to nonresidential buildings or structures shall not be located within any required Buffer Area. Where a Buffer Area is not required, setbacks for accessory structures shall comply with the requirements specified in each Zoning District.

h. Distance from Principal Buildings

In the R-L and R-1 Districts, all accessory storage structures, carports and detached garages shall be located at least ten (10) feet from any principal building, except that if a carport or detached garage accessory to a dwelling is connected to the dwelling by contiguous side walls, breezeways or similar connections, the distance between the dwelling and the connected garage may be less than ten (10) feet.

In the C-D, P-S, B-1 and M-1 Districts, all detached accessory structures shall be located at least twenty (20) feet from any principal building or structure.

1103.4 Visibility at Intersections

No object, including without limitation, fences, landscaping rocks, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required at the intersection of two (2) streets or the intersection of a driveway or private street with a public street. The required clear sight triangle is illustrated in Appendix A.

SECTION 1104 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District:

Typical architectural features of the principal structure, including, but not limited to: bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs, stoops and unenclosed porches without enclosed habitable foundation or space and without a roof or walls shall be permitted to project into required front, side and rear yards no more than three (3) feet. Porches that have a roof or walls or that are enclosed or have enclosed habitable foundations shall be subject to the yard requirements for the principal structure.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than three (3) feet.

SECTION 1105 HEIGHT EXCEPTIONS

1105.1 The height limitations of this Ordinance shall not apply to the following structures provided they do not exceed the height limitations of the District in which they are located by more than fifteen (15) feet: church spires, chimneys, elevator bulk heads and other mechanical equipment that is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures and other structures not intended for human habitation. The foregoing exceptions shall not apply to communications towers, communications antennas and their facilities which are separately regulated by this Ordinance.

1105.2 The height limitations specified in the Zoning Districts shall not apply to any structure where the express standards and criteria in Section 1003 of this Ordinance specifically authorize a height that exceeds the maximum height specified in the area and bulk regulations for the Zoning District in which it is located.

SECTION 1106 DRIVE-THROUGH FACILITIES

All businesses that propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements:

1106.1 Drive-through facilities proposed on parcels within a planned shopping center shall have access only from the interior circulation system within the planned shopping center site.

1106.2 In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each service position shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.

1106.3 Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

1106.4 Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

SECTION 1107 TEMPORARY CONSTRUCTION TRAILERS

Temporary construction trailers shall be permitted in any Zoning District subject to the following conditions:

1107.1 Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid Building Permit or under Borough approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a Building Permit or upon completion of the installation of the public improvements. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Borough Engineer, provided Borough approval or a valid Building Permit has been issued for the next phase.

1107.2 A Temporary Use Permit for the temporary structure or use shall be obtained from the Zoning Officer in accordance with the requirements of Section 1605 of this Ordinance prior to the commencement of construction and shall be renewed every six (6) months, if necessary, until the project is completed.

1107.3 Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.

1107.4 Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

1107.5 No signs or other advertising materials for the project shall be attached to the temporary construction trailer; however, the name of the construction company may appear on the trailer.

1107.6 "Class 3" materials, as classified by the National Fire Prevention Association (NFPA), shall not be stored in temporary construction trailers.

SECTION 1108 AGRICULTURE

In the C-D District, agriculture, as defined herein, shall be subject to the following requirements:

- 1108.1** Storage of manure, odor or dust producing substances shall be located at least two hundred (200) feet from any property line.

- 1108.2** Any stable or other building used for the sheltering, keeping, raising or feeding of horses, livestock and poultry shall be located at least two hundred (200) feet from any property line on properties of ten (10) acres or more. Such buildings shall be located at least seventy-five (75) feet from any property line on properties having at least five (5) acres, but less than ten (10) acres.

- 1108.3** A commercial greenhouse heating plant shall be at least one hundred (100) feet from any property line.

- 1108.4** All grazing and pasture areas shall be adequately fenced to properly enclose the animals and to protect adjacent property.

- 1108.5** Seasonal road-side stands shall not be permitted on the site of the agricultural operations.

SECTION 1109 STORAGE

1109.1 Outdoor Storage in Business and Industrial Districts

In the B-1, Business District, storage of materials outside a completely enclosed structure shall not be permitted, except for convenience stores, vehicle rental, sales and service, garden nurseries, and similar businesses that require outside storage of products offered for sale. In the case of these exceptions, outside storage areas larger than one thousand (1,000) square feet shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge that is at least six (6) feet in height.

In the M-1, Industrial District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location that screens the storage area from public view from the street or adjacent residential property located at similar elevations within five hundred (500) feet of the property. If existing buildings do not screen the storage area from public view from the street or adjacent residential property located at similar elevations within five hundred (500) feet of the property, the area shall be screened by a hedge or opaque fence at least eight (8) feet in height.

1109.2 Refuse Collection and Waste Disposal

In all Districts, all organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid-face fence or wall at least six (6) feet in height. Containers shall be emptied once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter. All nonresidential uses shall provide dumpsters that are completely enclosed by a screening fence subject to the fence regulations of §1103.3c and which is secured by a self-latching gate.

1109.3 Storage of Commercial Vehicles and Equipment

Commercial vehicles and equipment including trucks in excess of one (1) ton capacity, tandems, tractor-trailers, tractors or other commercial or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside a completely enclosed building, as defined herein, nor shall such vehicles be parked outside overnight between the hours of 10:00 P.M. and 7:00 A.M. in any R-L or R-1 District.

SECTION 1110 FORESTRY

Forestry, as defined herein, shall be conducted in accordance with the following provisions. Proof of compliance with all requirements shall be submitted with the application for a Zoning Certificate.

- 1110.1** All operations shall be located at least three hundred (300) feet from any existing dwelling.
- 1110.2** All operations shall be discontinued between 7:00 P.M. and 7:00 A.M., provided further that such operations shall not take place during any hours on Sundays or legal government holidays.
- 1110.3** Routes to be used by the hauling trucks shall be approved by the Borough and the operator shall demonstrate that there shall be no negative impact on Borough streets from the proposed operation.
- 1110.4** The operator shall provide the Borough with a copy of a video tape of the condition of all streets to be utilized in the forestry operation prior to commencing operations.
- 1110.5** A performance bond shall be posted in favor of and in the amount required by the Borough to guarantee restoration of Borough streets used as hauling routes.

- 1110.6** The operator shall be responsible for cleaning dirt and debris from public streets daily during the operation.
- 1110.7** The applicant shall submit a copy of the State and/or County permit for hauling on State and/or County streets, if applicable.
- 1110.8** The applicant shall supply the Borough with the name of an on-site contact person.
- 1110.9** The applicant shall show compliance with the following laws and regulations of the Commonwealth and all necessary permits shall be maintained during the operation.
- a.** Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law;
 - b.** Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act;
 - c.** Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.

Any suspension or revocation of a State permit shall constitute revocation of Zoning Approval and the operator shall be subject to the enforcement provisions of Section 1601 of this Ordinance.

- 1110.10** A logging plan prepared and sealed by a registered surveyor or engineer shall be submitted that shows, at a minimum:
- a.** The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b.** The design, construction and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars;
 - c.** The design, construction and maintenance of stream and wetland crossings, if any;
 - d.** The general boundaries of the proposed operation in relation to Borough and State or County streets, including any accesses to those streets;

- e. The site location, including boundaries of the property and boundaries of the proposed harvest area;
- f. Significant topographic features;
- g. The location of all earth-disturbance activities such as streets, landings and water control measures and structures; and
- h. The location of all crossings of waters of the Commonwealth.

1110.11 Felling or skidding on or across any public street is prohibited without the express written consent of the Borough, Washington County or the Pennsylvania Department of Transportation (Penn DOT), whichever is responsible for maintenance of the street.

1110.12 No remnants of trees or debris shall be left within twenty-five (25) feet of any public street or any private road providing access to adjoining residential property during the operation.

1110.13 All remnants of trees, stumps and debris within fifty (50) feet of a public street or residential property line shall be cut to a maximum of four (4) feet above the adjacent ground level following completion of the forestry operation.

1110.14 No remnants of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner during the operation.

1110.15 Upon completion of the forestry operation, haul roads shall be restored to their original condition.

SECTION 1111 NO IMPACT HOME-BASED BUSINESS

All no impact home-based businesses, as defined herein, shall comply with the following:

1111.1 The business activity shall be compatible with the residential use of the property and surrounding residential uses.

1111.2 The business shall employ no employees other than family members residing in the dwelling.

1111.3 There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

- 1111.4** There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 1111.5** No on-site parking of commercially identified vehicles shall be permitted.
- 1111.6** The business activity shall not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood.
- 1111.7** The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 1111.8** The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area of the dwelling.
- 1111.9** The business shall not involve any illegal activity.
- 1111.10** The business shall register annually in January of each year with the Zoning Officer or his or her designated representative to demonstrate continuing compliance with these regulations.

SECTION 1112 COMMUNICATIONS ANTENNAS

All communications antennas, as defined herein, shall be subject to the following:

- 1112.1** Building mounted antennas shall not be permitted on any single family or two family dwelling or townhouse building. Building mounted antennas may be erected on any garden apartment or any public or non-residential building or structure.
- 1112.2** The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- 1112.3** The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning Regulations.
- 1112.4** Building mounted antennas shall be permitted to exceed the height limitations of the District in which they are located by no more than twenty (20) feet. Antennas mounted on an existing public utility or transmission structure shall not project more than twenty (20) feet above the height of the structure.

- 1112.5** Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- 1112.6** Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.
- 1112.7** Satellite and microwave dish antennas mounted on the roof of a building shall not exceed six (6) feet in diameter.
- 1112.8** Satellite and microwave dish antennas mounted on an existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.
- 1112.9** The height and location of the proposed antennas shall be designed so that, in the event of collapse, the antennas will fall within the boundaries of the property on which they are to be located.
- 1112.10** The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.
- 1112.11** Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Borough.
- 1112.12** The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.
- 1112.13** Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining property in an R-L or R-1 District, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
- 1112.14** If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided that has a minimum width of twenty (20) feet and that shall be improved with a dust-free all-weather surface for its entire length.

1112.15 At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

SECTION 1113 ENVIRONMENTAL PROTECTION

1113.1 No cut or fill grade shall exceed a slope of 3:1 or 33 1/3%. This provision shall apply to all cuts and fills exceeding one hundred (100) square feet in exposed surface area including cuts or fills on land naturally exceeding 3:1 in slope.

1113.2 All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.

1113.3 No cutting fill, or other disturbing of land and natural vegetation is permissible within one hundred (100) feet of the centerline of natural drainage courses except as permitted by approval of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

ARTICLE XII

OFF-STREET PARKING AND LOADING

SECTION 1200 APPLICABILITY

- 1200.1** Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or any existing use is changed or enlarged.
- 1200.2** All parking areas established prior to the effective date of this Ordinance that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. If any change or alteration is proposed to these existing nonconforming parking areas, the portions to be changed or altered shall be upgraded in accordance with all provisions of this Article.
- 1200.3** Any change in use or in floor area of an existing building that would require a greater number of off-street parking spaces than the previous use or floor area did, shall provide additional off-street parking for the new use in accordance with this Article. Existing parking which is nonconforming shall be allowed to continue as previously laid out, however, all new parking spaces shall be required to meet or exceed all provisions of this Article, including surfacing.

SECTION 1201 OFF-STREET PARKING DESIGN

Parking areas and driveways in parking areas in all Zoning Districts shall comply with the following standards:

1201.1 Size

Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet, exclusive of access drives or aisles, shall have minimum dimensions of eight (8) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Except in the case of single family dwellings, two family dwellings and townhouses, parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

1201.2 Design

The minimum dimensions of aisles and driveways for all uses other than single family dwellings and two family dwellings shall be as follows:

- a. Minimum width of aisles providing two-way travel shall be twenty-two (22) feet.

- b. One-way aisles shall not be dead-ended. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	12 feet
30 degree	14 feet
45 degree	16 feet
60 degree	20 feet
90 degree	22 feet

- c. Two-way aisles may be dead-ended in off-street parking areas provided they are designed according to the following minimum standards:

Depth of turnaround area	13 feet
Width of turnaround area	25 feet

- d. The minimum width of entrance and exit drives shall be:

1. For one-way travel, a minimum of twelve (12) feet.
2. For two-way travel, a minimum of twenty-two (22) feet.
3. A maximum of thirty-five (35) feet at the street right-of-way line and fifty-four (54) feet at the curb line.
4. Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer. Driveways shall not exceed a slope of ten percent (10%) for a distance of twelve (12) feet from the street right-of-way line.

- e. Fire lanes shall be provided in accordance with the requirements of the Borough Fire Code and the volunteer fire department.

1201.3 Handicapped Parking Spaces

Handicapped accessible parking spaces shall be provided in accordance with the regulations of the Pennsylvania Department of Labor and Industry and the Americans with Disabilities Act (ADA).

1201.4 Access

Access to parking areas shall be provided in accordance with the following requirements:

- a. When an existing lot does not adjoin a public or private street, an easement of access and an access driveway shall be provided leading to the parking areas.

- b. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In the B-1 and M-1 Districts, the street frontage shall be curbed to restrict access to the lot, except where the access drives are proposed.
- c. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
- d. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines.
- e. Where a lot has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically feasible.
- f. Access drives entering State highways shall be subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (Penn DOT).
- g. Access driveways entering Borough streets shall comply with the requirements of the Pennsylvania Code, Title 67, Chapter 441, "Access to and Occupancy of Highways by Ways and Local Roads."
- h. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1201.5 Safety Requirements

Borough Council shall consider whether safety requirements are warranted to reduce traffic hazards that endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.

1201.6 Marking

In parking areas that contain five (5) or more spaces, all parking spaces shall be clearly delineated by painting lines marked with durable white or yellow paint in stripes a minimum of four (4) inches wide extending the length of the parking space. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

1201.7 Curbs and Wheelstops

All outdoor hard surfaced off-street parking areas shall be curbed unless sheet drainage of surface water can be achieved subject to approval by the Borough Engineer.

Wheelstops shall be provided along boundaries of adjoining properties, public rights-of-way, sidewalks or landscaped areas unless curbs are provided in that portion of the parking lot.

1201.8 Surfacing

All outdoor off-street parking areas and access driveways shall be paved with asphalt, concrete or similar material of adequate thickness to support the weight of fully loaded vehicles that customarily park or travel on it. The exceptions to this requirement are:

- a. Single family dwellings and two family dwellings;
- b. Parking areas in the rear lots in the Industrial District which shall, as a minimum, have a dust-free slag or stone surface parking area.

In the case of unpaved parking areas and driveways, it shall be the responsibility of the property owner to ensure that driveway surface materials and stormwater runoff do not discharge onto a public street.

1201.9 Location of Parking Areas

Required parking spaces shall be located on the same lot with the principal use. In the case where adequate lot area does not exist on the same lot to meet the parking requirements, the Zoning Hearing Board may approve off-site parking as a use by special exception, provided it is located no more than four hundred (400) feet from the principal entrance to the building it is intended to serve and evidence of a lease agreement or cross-easement is submitted for any property under different ownership proposed to be used for off-site parking. If the off-site parking is not located on property contiguous to the use it serves, the off-site parking shall be used for employee parking and a means of safe pedestrian access shall be provided.

1201.10 Lighting

If parking areas are proposed to be used during evening hours, lighting shall be provided. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from adjoining properties in an R-1 District and away from any streets or highways. The lighting system shall furnish average level of illumination of not less than 0.5 footcandle during hours of operation and shall be designed with cut-off luminaires that have a cut-off angle of sixty degrees (60°) or less. (See Illustration in Appendix B.) There shall be no spillover of illumination at any property line adjoining property in an R-1 District in excess of 0.2 footcandle.

1201.11 Stormwater Management

All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. Surface drainage shall be connected to the existing or proposed drainage system.

1201.12 Slope

The maximum permissible slope of any parking area accessory to any use other than a single family or two family dwelling shall be seven percent (7%). If parking spaces are provided in areas that exceed three percent (3%) slope, all such spaces shall be parallel to the contour lines of the area.

SECTION 1202 OFF-STREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces:

1202.1 When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

1202.2 Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.

1202.3 The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

USE	PARKING SPACES REQUIRED
Adult Businesses	One (1) space for each 250 sq. ft. of floor area devoted to retail sales; one (1) space for each seat in a theater; one (1) space for each viewing booth or machine; one (1) space for each sleeping room in a motel; one (1) space for each 75 sq. ft. of net floor area in a night club devoted to patron seating
Agriculture	One (1) space per employee, if any
Amusement or Video Arcade	One (1) space for each 100 sq. ft. of net floor area
Assisted Living Facility; Independent Living Facility	One (1) space per dwelling unit, plus one (1) space for each employee on peak shift, plus 0.5 space per dwelling unit for visitors
Auditorium	See Theater; Auditorium

USE	PARKING SPACES REQUIRED
Automobile Service Station	One (1) space for each employee on peak shift, plus two (2) spaces for each service bay, plus one (1) space for each 200 sq. ft. devoted to retail sales
Banks and Financial Institutions	One (1) space for each 300 sq. ft. of gross floor area, plus one (1) space per employee on peak shift, plus the waiting spaces required by Section 1106 for each drive-through window
Bar or Tavern	One (1) space for each employee on peak shift, plus one (1) space for each 50 sq. ft. of net floor area devoted to patron seating
Beverage Distributor	One (1) space for each 500 sq. ft. of display and product retail sales area
Billiard Parlors	Three (3) spaces for each table
Bowling Alleys	Five (5) spaces for each alley
Business or Professional Offices	One (1) space for every 300 sq. ft. of net floor area
Car Wash	One (1) space for each employee on peak shift, plus one (1) space for each bay in a self-serve car wash to allow for drying of vehicles, plus one (1) space for any additional service positions such as the dispensing of air, plus the standing spaces required in Section 1106
Churches	One (1) space for each 4 seats or 5 feet of pew or seats, or if there are no pews or seats, one (1) space for each 75 sq. ft. of net floor area used for assembly
Cleaning and Dyeing Plant	One (1) space for each 1,500 sq ft. of gross floor area or one (1) space for each employee on the peak working shift, whichever is greater
Commercial Greenhouse	One (1) space for each employee on peak shift, plus one (1) space for each 250 sq. ft. of retail sales area, plus one (1) space for each 1,500 sq. ft. of growing area that is accessible to the public
Commercial School	One (1) space for each faculty and employee, plus one (1) space for each 1.5 students
Communications Tower	One (1) space for periodic visits by maintenance workers
Contracting Business	One (1) space for each business vehicle or equipment within an enclosed garage, plus one (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales

USE	PARKING SPACES REQUIRED
Contractor's Yard	One (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Convenience Store	One (1) space for each 200 sq. ft. of gross floor area
Dance Halls, Skating Rinks	One (1) space for each 100 sq. ft. of net floor area
Day Care Center or Pre-School Facility	One (1) space for each teacher and/or employee on largest shift, plus one (1) space for each six (6) students
Day Spa	One (1) space for each staff on peak shift, plus one (1) space for each service position or treatment room
Delicatessen	One (1) space for each 75 sq. ft. of net floor area devoted to customer seating and/or service position, plus one (1) space for each employee
Drive-through Facility	See Section 1106 for the waiting space requirements for each drive-through position
Educational Studio	One (1) space for each employee, plus one (1) space for each two (2) students at maximum occupancy
Equipment Storage Yard	One (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Family Day Care Home	One (1) space for each employee in addition to the parking required for the dwelling
Financial Institutions	See Banks and Financial Institutions
Fire and Emergency Medical Services; Other Public Buildings	One (1) space for each 300 sq. ft. of area used for office, plus the requirement for indoor assembly for the floor area devoted to that use, plus one (1) space in an enclosed garage for each vehicle or equipment, plus the requirement for a catering hall for any rental hall with kitchen facilities
Flex Space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this Section for that specific use

USE	PARKING SPACES REQUIRED
Food & Related Products, Packaging, Storage and Distribution	One (1) space for each employee on peak shift, plus one (1) space for each business vehicle
Food Store	One (1) space for each 250 sq. ft. of gross floor area
Funeral Home	Thirty-five (35) spaces for the first viewing parlor, plus 30 spaces for each additional parlor
Garden Apartments	Two (2) spaces per dwelling unit, plus 0.5 spaces per dwelling unit for visitors to be located within 300 feet of the units they are intended to serve
Garden Nursery	One (1) space for each employee on peak shift, plus one (1) space for each 250 sq. ft. of retail sales area, plus one (1) space for each 1,500 sq. ft. of growing area that is accessible to the public
Group Care Facility	One (1) space for each employee on peak shift, plus one (1) space for each resident authorized to drive, plus one (1) space for each six (6) beds
Group Living Arrangement	Two (2) spaces per dwelling unit
Health Club; Fitness Center	One (1) space for each 100 sq. ft. of net floor area accessible to members, excluding locker rooms
High Technology Industries	One (1) space for each 300 sq. ft. of floor area devoted to office, plus one (1) space for each 1,000 sq. ft. of floor area devoted to research, product development, assembly or warehousing
Home Occupation	Three (3) spaces for visitors or clients in addition to the spaces required for the dwelling unit
Hospitals or Medical Clinics	One (1) space for each three (3) beds, plus one (1) space for each employee on the peak working shift
Hotel	See Motel/Hotel
Indoor Entertainment	See Indoor Places of Assembly
Indoor Places of Assembly (Without Fixed Seats)	One (1) space for each 75 square feet of net floor area
Indoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats or five (5) feet of bench or bleacher seating

USE	PARKING SPACES REQUIRED
Junkyard/Salvage Yard	One (1) space for each employee, plus one (1) space for each 1,000 sq. ft. of vehicle or scrap material storage area
Kennel	One (1) space for each employee, plus one (1) space for each five (5) kennel units
Landscaping Contractor	One (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Laundromat	One (1) space for each machine
Libraries/Museums	One (1) space for each 500 sq. ft. of gross floor area, plus the requirement for indoor places of assembly, if applicable
Manufacturing, Light or Heavy	One (1) space for each 1,500 sq. ft. of gross floor area or one (1) space for each employee on the peak working shift, whichever is greater
Medical Clinic	See Hospital or Medical Clinic
Mineral Removal	One (1) space for each employee on the two (2) largest shifts, combined
Mini-Warehouse or Self Storage Building	Two (2) spaces for manager's quarters, if any, plus one (1) space for each 25 storage units located near the office or manager's quarters for prospective customers, plus one (1) space for each 10 storage units equally distributed throughout the storage area to be used by customers
Mobile Home Park	Two (2) spaces for each dwelling unit, plus one (1) space for each 200 sq. ft. of gross floor area in a community building
Motel/Hotel	One (1) space per employee on peak shift, plus one (1) space per sleeping unit, plus one (1) space for each 75 sq. ft. of floor area in shops, restaurants, meeting rooms and the like accessible to the public
No Impact Home Based Business	None Required
Nursing Home	One (1) space for each three (3) beds, plus one (1) space for each employee on peak working shift
Outdoor Places of Assembly (Without Fixed Seats)	One (1) space for each 1,500 sq. ft. of gross lot area devoted to assembly
Outdoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats or five (5) feet of bench or bleacher seating

USE	PARKING SPACES REQUIRED
Packaging and Delivery Service	One (1) space for each employee on peak shift, plus one (1) space for each business vehicle
Personal Care Boarding Home	One (1) space for each employee on peak shift, plus one (1) space for each resident authorized to drive, plus one (1) for each six (6) beds
Personal Service Establishments	One (1) space for each 250 sq. ft. of net floor area accessible to customers
Pet Grooming; Pet Services	One (1) space for each employee on peak shift, plus three (3) spaces for each service position, plus one (1) space for each 1,000 sq. ft. of net floor area devoted to display and sales
Playing Fields; Play Courts	Two (2) spaces for each team member on the field or court during regulation play, plus one (1) space for each three (3) seats in viewing stands or for each five (5) feet of bench or bleacher seating
Printing Establishment	One (1) space for each 1,500 sq. ft. of gross floor area or one (1) space for each employee on the peak working shift, whichever is greater, plus one (1) space for each business vehicle kept on site
Private Club	One (1) space for each 100 sq. ft. of floor area accessible to the members
Public Buildings	One (1) space for each 300 sq. ft. of net floor area devoted to offices, plus one (1) space for each 40 sq. ft. of net floor area devoted to conference rooms or public meeting rooms
Public Utility Building or Structure	Areas of the building that are used for business offices shall comply with the parking requirements for that use, plus any area of the building used for storage of material, vehicles or other equipment shall provide one (1) space for each employee on peak shift, plus one (1) space for each service vehicle stored on the lot
Repair Shop	One (1) space for each employee, plus one (1) space for each 300 sq. ft. of floor area accessible to the public
Research and Development; including Pilot Manufacturing	One (1) space for each employee on peak shift, plus a minimum of five (5) spaces for each 10,000 sq. ft. of gross floor area reserved for visitors

USE	PARKING SPACES REQUIRED
Restaurant	One (1) space for each 75 sq. ft. of net floor area devoted to customer seating and waiting areas, plus one (1) space for each employee on peak working shift
Retail Stores Not Otherwise Listed	One (1) space for each 250 sq. ft. of gross floor area
Schools, Elementary and Intermediate (Public or Private)	One (1) space for each employee or faculty member
Schools, Secondary and Post Secondary (Public or Private)	One (1) space for each employee or faculty member, plus one (1) space for each five (5) students
Schools, Commercial	See Commercial School
Shopping Center	One (1) space for each 200 sq. ft. of gross floor area
Single Family Dwelling	Two (2) spaces per dwelling unit
Supply Yards	One (1) space for each employee on site, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Temporary Use or Structure	Parking shall be based on the requirement for the use listed in this Table that most closely conforms to the temporary use or structure proposed
Tennis, Racquetball and Handball Courts	One (1) space for each employee, plus four (4) spaces for each court
Theater; Auditorium	One (1) space for each three (3) fixed seats; or if there are no fixed seats, one (1) space for each 75 sq. ft. of net floor area used for assembly; or one (1) space for each five (5) feet of bleacher seating
Townhouses	Two (2) spaces per dwelling unit, plus 0.5 space per dwelling unit for visitors to be located within 300 feet of the units they are intended to serve
Truck and Heavy Equipment Rental, Sales and Service	One (1) space for each employee on peak shift, plus one (1) space for each 1,000 sq. ft. of indoor and outdoor display and sales area
Two Family Dwelling	Two (2) spaces per dwelling unit
Vehicle Accessory Sales and Installation	One (1) space for each employee on peak shift, plus one (1) space for each 500 sq. ft. of indoor and outdoor display and sales area

USE	PARKING SPACES REQUIRED
Vehicle Rental, Sales and Service	One (1) space for each employee on peak shift, plus one (1) space for each 1,000 sq. ft. of indoor display and sales area
Vehicle Repair Garages	Four (4) spaces for each bay, plus one (1) space for each employee on peak shift plus, one (1) space for each business vehicle
Veterinary Clinic	One (1) space for each doctor and employee, plus two (2) spaces for each treatment room
Warehousing and Distribution	One (1) space for each employee on peak shift, plus one (1) space for each business vehicle
Wholesale Business	One (1) space for each employee on peak shift, plus one (1) space for each business vehicle
All Other Uses	One (1) space for each three (3) occupants at maximum occupancy authorized by the Uniform Construction Code (UCC) or one (1) space for each 300 square feet of gross floor area, whichever is greater

SECTION 1203 OFF-STREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

1203.1 Off-Street Loading Design

a. Size

Each loading berth shall be at least sixty (60) feet in length and fourteen (14) feet in width with an overhead clearance of fifteen (15) feet. The area used for loading berths shall not be used to satisfy off-street parking requirements and shall not block any driveway used for circulation through the site.

b. Access

Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

c. Location

All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in the minimum required front yard setback. Loading berths shall be located at least twenty-five (25) feet from the nearest point of intersection of any two (2) public streets.

d. Screening

Loading berths shall be screened by a minimum eight (8) foot high wall or opaque fence on all sides which face property in any Zoning District that contains a single family dwelling or any property located in an R-L, R-1 or C-D District.

e. Surfacing

All loading berths shall have a paved, concrete or bituminous surface, with adequate thickness to support the weight of a fully loaded vehicle and graded with positive drainage to dispose of surface water.

f. Lighting

Any lighting used to illuminate loading berths shall be designed to reflect away from property in any Zoning District that contains a single family dwelling or from any adjoining properties in an R-L, R-1 or C-D District and away from any street or highway. Spillover lighting shall not exceed 0.2 footcandle at any property line adjoining property in an R-L, R-1 or C-D District.

1203.2 Off-Street Loading Requirements

In all Zoning Districts, every use that requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF BERTHS REQUIRED</u>
Under 10,000 sq. ft.	None
10,000 to 49,999 sq. ft.	1 berth
50,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
For each additional 80,000 sq. ft.	1 additional berth

1203.3 In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

ARTICLE XIII

SIGN REGULATIONS

SECTION 1300 APPLICABILITY

The regulations contained in this Article shall apply to all signs in all Zoning Districts.

SECTION 1301 TYPES AND CLASSES

Signs in all Zoning Districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section.

1301.1 Classes

a. Freestanding

A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structures, including:

1. Pole Sign

A freestanding sign that is supported by one (1) or more poles, uprights, braces or pylons and that has a minimum clearance between the bottom edge of the sign and the adjacent ground level of at least eight (8) feet, if pedestrian or vehicular traffic circulates under the sign or has a minimum clearance of more than eighteen (18) inches if traffic does not circulate under the sign.

2. Ground Sign

A freestanding sign that is affixed to the ground by means of a permanent foundation and that provides a maximum clearance of eighteen (18) inches between the bottom edge of the sign and the adjacent ground level or, in the case of an elevated foundation, from the top of the foundation.

b. Wall Sign

A sign painted on or attached to and erected parallel to the face of an outside wall of a building projecting outward from the wall of the building no more than eighteen (18) inches.

c. Canopy or Awning Sign

A sign that also functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other durable material that is affixed to a building or is self-supporting and provides protection from sun, rain, snow and other elements.

d. Bulletin Sign

A type of manual changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

e. Roof Sign

A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the highest point of the roof.

f. Overhanging Sign

A sign, other than a wall sign or arcade sign, affixed perpendicular to a building or wall whose leading edge extends beyond such building wall, but not including awnings, canopies or marquees otherwise authorized by this Ordinance.

g. Billboard

An off-premise sign that advertises an establishment, activity, person, product or service that is unrelated to or unavailable on the premises where the sign is located.

h. Changeable Copy Sign

A sign that is designed so that characters, letters or illustrations can be manually or electronically changed or rearranged without altering the face or surface of the sign.

i. Portable Sign

A sign that is not permanently affixed to a building, a structure or the ground and which is designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; A-frame or sandwich board signs; and wheeled or trailer mounted signs.

j. Attention-Getting Device

A pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation that is designed or used for the purpose of promoting, advertising or attracting attention.

k. Indirectly Illuminated

A sign that is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

l. Internally Illuminated

A sign that is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

m. Festoon Lighting

A group of two (2) or more light bulbs of more than twenty (20) watts each hung or strung overhead, not in a building or structure, that are exposed to view by persons on a public right-of-way, or that are not shaded or hooded to prevent the direct rays of light from being visible from the property line, but not including the temporary erection of lights as part of a holiday celebration, or small lights of less than twenty (20) watts each.

1301.2 Types

Signs are categorized by use, function or purpose into the following types:

a. Residential Identification Sign

A sign containing only the name and address of the occupant of the premises.

b. Home Occupation Identification Sign

A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

c. Residential Plan Identification Sign

A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

d. Real Estate Sign

A temporary sign advertising the sale or rental of premises. The sign may also bear the words “sold”, “sale pending” or “rented”.

e. Development Sign

A temporary sign erected during the period of construction and/or development of a property by the developer, contractor or their agents.

f. Contractor’s Sign

A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

g. Public Sign

A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions.

h. Notification Sign

Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a landowner or governmental agency for traffic control or the safety of the general public.

i. On-Premises Directional Sign

A sign that directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

j. Business Identification Sign

A sign that contains the name, address and goods, services, facilities or events available on the premises.

k. Temporary Special Event Sign

A banner, flag, pennant, portable sign or similar display constructed of durable material and affixed to the wall of a building or the supporting structure of an approved freestanding pole business identification sign or, if a portable sign, adequately affixed to the ground or some permanent structure, erected for a period not exceeding thirty (30) days whose sole purpose is to advertise a special event or promotion.

l. Window Signs

A sign or group of signs affixed to the inside of a display window in a commercial establishment that advertises a product or service available on the premises or that announces or promotes a special sale or special event.

m. Memorial/Historical Plaques

A commemorative plaque recognized by an agency of the Borough, County, Commonwealth or Federal government or a non-profit historical or veteran's organization.

SECTION 1302 GENERAL REGULATIONS

The following regulations shall apply to signs in all Zoning Districts:

1302.1 Restricted Signs

The following signs shall not be permitted in any Zoning District:

- b.** Attention-Getting Devices, as defined in §1301.1;
- c.** Portable Signs, as defined in §1301.1 in all Districts, except where authorized as a Temporary Special Event Sign;
- d.** Festoon Lighting, as defined in §1301.1;
- e.** Moving or Flashing Signs, except for that portion of an authorized sign that indicates time or temperature or an authorized electronic changeable copy sign;
- f.** Signs attached to trees, utility poles or official traffic control devices or signs within the public right-of-way;
- g.** Signs that imitate traffic control devices;
- h.** Signs painted on walls or chimneys of a building or on fences or freestanding walls;
- i.** Overhanging Signs, as defined herein;
- j.** Roof Signs, as defined herein;
- k.** Signs on or affixed to vehicles and/or trailers that are parked on a public right-of-way, or on any public property or private property other than the site of the business it advertises, except for maintenance, repair, loading, unloading or

rendering a service at any location, where the apparent purpose is to advertise a product or direct people to a business or activity located on nearby property, but not including Temporary Construction Trailers authorized by this Ordinance.

1302.2 Exempt Signs

The following signs are exempt from these regulations and the requirement to obtain a permit:

- a. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any way, become a public safety hazard;
- b. Memorial/Historical Plaques, as defined herein;
- c. Public Signs, as defined herein;
- d. Window Signs, as defined herein; and
- e. On-Premises Directional Signs, as defined herein.

1302.3 Surface Area of Sign

The surface area of a sign shall be measured as described below. For two-sided signs, only one (1) sign face is counted in computing the surface area.

- a. In the case of an advertising panel, the surface area of the sign shall be the total area enclosed by one (1) continuous line connecting the extreme points or edges of the advertising panel containing letters and/or graphic displays;
- b. In the case of freestanding letters, figures or characters mounted on a wall or other surface, the surface area of the sign shall be the sum of the areas of each individual letter calculated by measuring the distance between the highest and lowest points of each letter and multiplying that distance by the distance between the longest horizontal distance across the letter;
- c. In the case of freestanding ground or pole signs, the area shall not include the main supporting structure; however, logos, ornamental attachments and framework around or connections between advertising panels shall be included;
- d. In the case of letters that are painted on or affixed to an awning, canopy or marquee, the surface area of the sign shall be the area of the geometric shape formed by outlining the height and width of all the letters, including free space between the letters.

1302.4 Lots With Multiple Street Frontage

In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign that is authorized for the lot on each street frontage.

1302.5 Temporary Signs

In all Zoning Districts where authorized by Section 1303, real estate, temporary special event display signs, contractor and development signs shall be considered temporary signs that shall be removed within thirty (30) days of the completion of the event, sales or construction.

1302.6 Notification Signs

In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted outside the public street right-of-way on private property by property owners such as “no trespassing”, “no hunting” and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) sign for every thirty (30) feet of road frontage.

1302.7 Visibility

No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and authorized temporary off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §1103.4 of this Ordinance.

1302.8 Illumination

Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times, except that electronic changeable copy signs, where authorized, may have a changing message, provided each message is stationary for at least three (3) seconds. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not exceed a maximum of 0.2 footcandle at the property line.

1302.9 Design, Construction, Maintenance and Inspection

All signs shall be designed to be compatible with the architecture of the principal use to which they are accessory. All signs shall be constructed of a durable material and shall be maintained in good condition. All freestanding signs shall be designed to withstand a sustained one hundred (100) M.P.H. wind load. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning

Officer shall give notice to the owner in writing, in accordance with §1601.2 of this Ordinance, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense. The Borough may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

1302.10 Removal of Signs

Whenever any business is discontinued or vacated with no intention to re-open under the same name, all sign advertising panels containing the name of the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Borough may remove the sign at the owner's expense. The Borough may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

1302.11 Permits Required

No permit shall be required for the following types of signs as described in §1301.2 above: Residential Identification, Notification, Real Estate and Contractor Signs.

Permits shall be required in accordance with Section 1606 of this Ordinance for all other signs authorized by Section 1303 through Section 1306. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of Borough Council.

1302.12 Expiration of Permits

Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance, if work authorized by the permit has not been initiated and diligently pursued.

1302.13 Sign Location

Except for Billboards, as defined and authorized by this Ordinance, all signs shall be located on the premises that they are intended to serve.

SECTION 1303 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS

In addition to the signs authorized by Sections 1304 and 1305 in specific Zoning Districts, the following signs are authorized in all Zoning Districts:

1303.1 Bulletin Signs

One (1) Bulletin Sign that is non-illuminated or indirectly or internally illuminated shall be permitted in connection with any church, school, library or similar public or semi-public building. If the Bulletin Sign is a Wall Sign, the surface area shall not exceed twelve (12) square feet. If the Bulletin Sign is a freestanding Ground Sign, the surface area shall not exceed twenty-four (24) square feet.

1303.2 Real Estate Signs

One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

1303.3 Development Signs

One (1) non-illuminated temporary Development Sign shall be permitted on each development site provided the surface area of the sign shall not exceed thirty-two (32) square feet in surface area. If the development is phased, the Development Sign shall be located in the phase that is currently under construction. A second non-illuminated temporary Development Sign shall be permitted at the entrance to the development, provided the surface area of the sign shall not exceed sixteen (16) square feet. The Development Sign shall not exceed eight (8) feet in height. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

1303.4 Contractor Signs

One (1) non-illuminated temporary Contractor Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area nor six (6) feet in height and shall be removed within thirty (30) days of the completion of the work.

1303.5 Temporary Special Event Display Signs for Public and Non-Profit Organizations

One (1) non-illuminated Temporary Special Event Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization or over a public street right-of-way with the permission of the owner of the right-of-way, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to

promote. Each organization may display a Temporary Special Event Display Sign a maximum of three (3) times in any twelve (12) month period for a maximum of thirty (30) days each time.

1303.6 Home Occupation Identification Signs

One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign shall not exceed one (1) square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising. The sign shall be wall mounted or affixed to the structure supporting the mailbox.

1303.7 Residential Identification Signs

One (1) non-illuminated Residential Identification Sign shall be permitted on each lot provided the sign shall not exceed one (1) square foot in surface area and the maximum height of any freestanding sign shall be two (2) feet. The Residential Identification Sign may be affixed to the mailbox or to the wall of the dwelling or may be a freestanding ground sign located in the front yard.

SECTION 1304 SIGNS AUTHORIZED IN CONSERVATION AND RESIDENTIAL DISTRICTS

In addition to the signs authorized in all Zoning Districts by Section 1303, the following signs shall be permitted in all R-L and R-1 Residential Districts and all C-D, Conservation Districts:

1304.1 Residential Plan Identification Sign

One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development shall be permitted provided the sign shall not exceed twelve (12) square feet in area. The Residential Plan Identification Sign may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable Ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle required by §1103.4. Such signs shall not be located in any public street right-of-way without the permission of the owner of the right-of-way and an agreement for maintenance of the sign by a homeowners' association or similar private organization.

1304.2 Business Identification Sign for Authorized Conditional Uses, Uses by Special Exception or Legal Nonconforming Uses

One (1) non-illuminated or indirectly illuminated Wall Sign or Ground Sign shall be permitted to identify a legal nonconforming use or a nonresidential use authorized as a conditional use or use by special exception provided the height of the sign shall not exceed six (6) feet and the surface area of the sign shall not exceed twelve (12) square feet in area.

SECTION 1305 SIGNS AUTHORIZED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to the signs authorized by Section 1303 in all Districts, only the following signs shall be permitted in all B-1 and M-1 Districts:

1305.1 Temporary Special Event Display Signs for Business

Temporary Special Event Signs, as defined by this Ordinance, shall be permitted provided that:

- a. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
- b. The Temporary Special Event Display Signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;
- c. Temporary Special Event Signs shall be displayed no more than three (3) times in any twelve (12) month period provided each display shall not exceed thirty (30) days;
- d. The aggregate surface area of all Temporary Special Event Signs shall not exceed twenty-four (24) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Signs on the site at any one time shall not exceed seventy (70) square feet.
- e. Portable Signs may be used as Temporary Special Event Display Signs, provided they are securely anchored, are located outside any public street right-of-way, do not obstruct any existing parking spaces and do not constitute a hazard for pedestrian or vehicular traffic.
- f. Temporary Special Event Signs may be illuminated, but the message shall remain stationary at all times.

1305.2 Changeable Copy Signs

One (1) non-illuminated or internally illuminated manual or electronic Changeable Copy Sign shall be permitted per lot, regardless of the number of businesses on the lot. The Changeable Copy Sign shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot, or in the case of an automobile service station, on the canopy over the gas pumps. The surface area of the Changeable Copy Sign shall not exceed twenty-four (24) square feet.

1305.3 Business Identification Signs

a. Wall Signs

In the B-1 and M-1 Districts, each business establishment shall be permitted to have wall signs that may be illuminated or non-illuminated. No Wall Sign shall be located on the roof nor shall any portion of the Wall Sign extend above the height of the building.

In the B-1 District, the aggregate surface area of all wall signs shall not exceed one (1) square foot for each two (2) lineal feet of width of the front wall of the building or portion of the building, occupied by the business or a maximum of sixty-four (64) square feet, whichever is less.

In the M-1 Districts, the aggregate surface area of all Wall Signs for each business shall not exceed one (1) square foot for each one (1) lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of one hundred (100) square feet, whichever is less.

b. Ground Signs

In addition to the Wall Signs authorized by §1305.3a, one (1) freestanding Ground Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign exists or is proposed to be erected on the lot.
2. The maximum surface area of the ground sign shall not exceed thirty-two (32) square feet in the B-1 District and shall not exceed sixty-four (64) square feet in the M-1 District.
3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed eight (8) feet above the adjacent ground level on which it is located. The sign shall comply with the visibility requirements of §1103.4.

4. Ground signs may be non-illuminated, indirectly illuminated or internally illuminated.
5. All freestanding ground signs shall be located at least fifteen (15) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least fifteen (15) feet from the right-of-way or at least twenty (20) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

c. Pole Signs

In addition to the Wall Signs authorized by §1305.3a, one (1) freestanding Pole Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding Ground Sign exists or is proposed to be erected on the lot.
2. The Pole Sign shall be non-illuminated, indirectly illuminated or internally illuminated.
3. The maximum height of the top of the Pole Sign shall be twenty-five (25) feet above the adjacent street level from which the sign is to be viewed.
4. The minimum height of the bottom edge of the sign shall be at least eight (8) feet if traffic circulates under the sign. The minimum height of the bottom edge of the sign shall be more than eighteen (18) inches if traffic does not circulate under the sign.
5. The maximum surface area of the freestanding Pole Sign shall not exceed forty (40) square feet if there are fewer than three (3) businesses on the lot and shall not exceed sixty-four (64) square feet if there are three (3) or more businesses on the lot. Neither dimension of such sign shall be less than five (5) feet.
6. No portion of any Pole Sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection as defined by §1103.4 of this Ordinance.
7. All freestanding Pole Signs shall be set back a distance equivalent to the height of the sign from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least fifteen (15) feet from the right-of-way.

d. Canopy or Awning Signs

Canopy or Awning Signs may be erected at the street level entrance to a building. In the case of multi-tenant buildings, each business with a street level entrance may have a Canopy Sign. Canopy Signs shall not be illuminated. The maximum height of the letters on a Canopy Sign shall be six (6) inches.

SECTION 1306 BILLBOARDS

Billboards shall be permitted only as a conditional use in the B-1 District, provided all of the following requirements are met:

1306.1 Location

Billboards shall be authorized only within four hundred (400) feet of the centerline of a limited access Federal highway as a conditional use on property in any Zoning District, provided all of the following requirements are met:

- a. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the Billboard that is parallel to the centerline of the roadway to which the Billboard is oriented.
- b. No Billboard shall be erected in such a manner as to block the view from the road or street, of any existing Business Identification Sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements.
- c. No Billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, as defined by §1103.4, of this Ordinance, and shall not in any case obstruct or impede traffic safety.
- d. No Billboard shall be erected over any sidewalk or public right-of-way.
- e. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.

1306.2 Size and Height

A billboard shall have a maximum allowable gross surface area of seven hundred fifty (750) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

- a. A Billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety degrees (90°) or less.
- b. Neither dimension of the Billboard's sign face shall exceed twenty-four (24) feet in total height or thirty-six (36) feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
- c. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of forty (40) feet.

1306.3 Construction Methods

Billboards shall be constructed in accordance with applicable provisions of the Uniform Construction Code (UCC), as now or hereafter amended, and shall meet all of the following additional requirements:

- a. A billboard structure shall have a maximum of one (1) vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.
- b. A Billboard sign face shall be independently supported and have vertical supports of metal that are galvanized or constructed of approved corrosive-resistant, non-combustible materials. Structures constructed with galvanized metal shall be painted.
- c. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one hundred (100) mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Borough with the application for conditional use.
- d. The base shall be installed using a foundation and footings approved by the Borough Engineer for the type of construction proposed.
- e. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
- f. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- g. No bare cuts shall be permitted on a hillside.
- h. All cuts or fills shall be permanently seeded or planted.

- i. A Billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of 1.0 footcandle upon the adjoining property.
- j. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M. prevailing local time.
- k. No Billboard structure, sign face or display lighting shall flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.

1306.4 Maintenance

- a. A Billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
- b. Every ten (10) years, the owner of the Billboard shall have a structural inspection made of the Billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Borough, a written report and certification from that engineer certifying that the Billboard is structurally sound.
- c. Annual visual inspections of the Billboard may be conducted by the Borough to determine continuing compliance with this Ordinance. Upon such inspection the owner shall pay an annual inspection fee, as established from time to time, by Resolution of Borough Council.
- d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Borough issued in accordance with §1601.2 of this Ordinance.
- e. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

1306.5 Liability Insurance

The applicant for a Sign Permit to erect a Billboard shall provide a Certificate of Insurance for public liability and property damage that holds the Borough harmless in an amount no less than five hundred thousand dollars (\$500,000) or as may be adjusted, from time to time, by Resolution of Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving ten (10) days notice to the Borough.

1306.6 **Permits**

Prior to submission of an application for a Sign Permit, the applicant for a Billboard shall obtain and submit with the application, approvals from the United States Federal Aviation Administration (FAA), when applicable.

Approval of the conditional use shall be valid for six (6) months from the date of action by Borough Council granting the conditional use. If the applicant fails to obtain a Sign Permit for the approved Billboard within the six (6) month period, approval of the conditional use shall expire automatically, without written notice to the applicant.

The issuance of a Sign Permit for a Billboard that has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for Billboards proposed to be located along State Highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Borough Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional sign permit fee, provided the application is filed within the six (6) month period during which the conditional use approval is valid.

1306.7 **Application Fees**

Said application shall be accompanied by an Application Fee in an amount equal to that set from time to time by Resolution of Borough Council.

1306.8 **Nonconforming Billboards**

Any Billboard that does not conform to the requirements of this Section shall not be enlarged or moved unless the Billboard complies with all provisions of this Section.

Any Billboard that is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section 1306.

ARTICLE XIV

NONCONFORMING USES AND STRUCTURES

SECTION 1400 APPLICABILITY

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 1401 NONCONFORMING USES

These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District are changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses that thereby become nonconforming.

1401.1 Continuation and Sale

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

1401.2 Enlargement or Expansion

Single family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling without Zoning Hearing Board Approval, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.

No nonconforming use of a lot or nonconforming use of a structure, other than a single family dwelling, shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Ordinance which made the use nonconforming, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or expansion is necessitated by the natural expansion and growth of trade of the nonconforming use. Any such enlargement or expansion shall conform to the lot area, lot coverage, height and yard requirements of the Zoning District in which it is located.

No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance, unless authorized by the Zoning Hearing Board.

Any nonconforming use may be extended throughout any part of a structure that was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

1401.3 Change of Use

a. A nonconforming use shall not be changed to any use other than a conforming use, except when authorized as a use by special exception by the Zoning Hearing Board in accordance with the following standards:

1. The new nonconforming use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
2. The new nonconforming use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
3. Any change from one nonconforming use to another shall comply with the parking requirements of Article XII for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.

b. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

c. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

1401.4 Abandonment

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

1401.5 Damage or Destruction

Residential dwellings that are nonconforming uses in the B-1 or M-1 District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction.

In the case of nonconforming uses, other than dwellings, in any District, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the structure in which the nonconforming use is located shall be undertaken unless the provisions of §1401.2 are met.

In the case of nonconforming uses, other than dwellings, in any District, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its gross floor area, the structure shall be reconstructed only to house a conforming use.

SECTION 1402 NONCONFORMING STRUCTURES

The following regulations shall apply to all nonconforming structures, as defined by this Ordinance, in all Zoning Districts.

1402.1 Structural Alteration or Enlargement

A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable alteration or enlargement of such structure.

1402.2 Damage or Destruction

Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §1402.1 are met.

1402.3 Moving

Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

1402.4 Signs

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than fifty-one percent (51%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance. Replacement cost shall be determined by the Borough Engineer upon request by the Borough. The Borough Engineer shall inspect the sign and submit a report to the Zoning Officer within five (5) working days of the Borough's request. The cost of the services of the Borough Engineer shall be borne by the applicant. Said cost shall not exceed the amount established from time to time by Resolution of Borough Council.

Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of advertising panels shall be permitted, subject to obtaining the sign permit required by §1302.11.

1402.5 Repair or Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

SECTION 1403 NONCONFORMING LOTS

The following regulations shall apply to nonconforming lots, as defined by this Ordinance:

1403.1 Lot Area or Lot Width

Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

1403.2 Front Yard Setback

Where structures exist on adjacent nonconforming lots of record that have front yards that are less than the minimum depth required, the minimum front yard for an adjacent vacant nonconforming lot of record proposed to be built upon shall be the average depth of the nonconforming front yards for the existing structures on the adjacent nonconforming lots in the same block on the same side of the street.

SECTION 1404 REGISTRATION OF NONCONFORMITY

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Washington County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for Zoning Certificates, Certificates of Occupancy or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

ARTICLE XV

ZONING HEARING BOARD

SECTION 1500 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

SECTION 1501 ALTERNATE MEMBERS

1501.1 Appointment of Alternate Members

Borough Council may appoint by Resolution at least one (1), but no more than three (3), residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1501.2, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including service as a member of the Planning Committee or as Zoning Officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to §1510.3 unless designated as a voting alternate member pursuant to §1501.2 of this Ordinance.

1501.2 Participation by Alternate Members

The Chairman of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace any absent or disqualified members and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to reach a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

SECTION 1502 REMOVAL OF MEMBERS

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1503 ORGANIZATION OF THE ZONING HEARING BOARD

1503.1 Officers

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

1503.2 Quorum

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members, if any have been appointed, shall be seated in accordance with §1501.2 to provide a quorum.

1503.3 Hearing Officer

The Zoning Hearing 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 Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.

1503.4 Procedures

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Borough and laws of the Commonwealth of Pennsylvania.

1503.5 Files and Annual Report

The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to Borough Council once a year.

SECTION 1504 JURISDICTION OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- 1504.1** Substantive challenges to the validity of any land use ordinance, except curative amendments brought before Borough Council.
- 1504.2** Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.
- 1504.3** Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- 1504.4** Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- 1504.5** Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1505.
- 1504.6** Applications for uses by special exception under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article X and Section 1506 of this Ordinance.
- 1504.7** Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
- 1504.8** Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development.

SECTION 1505 VARIANCES

The Zoning Hearing Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

- 1505.1** That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and

not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

- 1505.2** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1505.3** That such unnecessary hardship has not been created by the appellant.
- 1505.4** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1505.5** That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

SECTION 1506 USES BY SPECIAL EXCEPTION

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article X. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article X. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

SECTION 1507 NOTICE AND CONDUCT OF HEARINGS

1507.1 Notice

Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, Borough Council, the Planning Committee and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as Borough Council or the Zoning Hearing Board shall designate.

Public notice, as defined herein, shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the public hearing.

In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the appellant and the cost of mailing the notices shall be borne by the appellant.

1507.2 Conduct of Hearing

The Zoning Hearing Board shall conduct hearings in accordance with the following requirements:

- a.** The first (1st) hearing shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
- b.** Each subsequent hearing before the Zoning Hearing Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first (1st) hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first (1st) hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first (1st) hearing held after the completion of the applicant's case in chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- c.** The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.
- d.** The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board

shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

- e. The Chairman or Acting Chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- f. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- g. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- h. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §1510.2 of this Ordinance.
- i. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- j. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

SECTION 1508 FAILURE TO RENDER A DECISION

Where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence, conduct or complete the required hearing as provided in §1507.2, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in §1507.1. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

SECTION 1509 MEDIATION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- a. Funding mediation;
- b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
- c. Completing mediation, including time limits for such completion;
- d. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation;
- e. Identifying all parties and affording them the opportunity to participate;

- f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
- g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1510 FEES AND EXPENDITURES

1510.1 Fees

Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1510.2 Stenographer's Appearance Fee and Transcripts

The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1510.3 Expenditures

Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council. Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

SECTION 1511 TIME LIMITATIONS

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to

secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved Tentative Approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1512 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

ARTICLE XVI

ADMINISTRATION AND ENFORCEMENT

SECTION 1600 ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by Borough Council. The Zoning Officer shall hold no elective office in the Borough. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- A.** Receive and examine all applications for Zoning Certificates and Certificates of Occupancy;
- B.** Notify applicants of any deficiencies in applications and request additional information;
- C.** Process applications for Zoning Certificates and Certificates of Occupancy for all permitted uses;
- D.** Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of Zoning Certificates or Certificates of Occupancy for the proposed use;
- E.** Receive applications for conditional uses and forward these applications to the Planning Committee and Borough Council for recommendation and action prior to considering issuance of Zoning Certificates or Certificates of Occupancy for the proposed use;
- F.** Issue permits only where there is compliance with the provisions of this Ordinance, with other Borough ordinances and the laws of the Commonwealth;
- G.** Issue denials of Zoning Certificates or Certificates of Occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon;
- H.** Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance.
- I.** Issue notices of violation in accordance with the requirements of Section 1601, below;

- J. With the approval of Borough Council, or when directed by Borough Council, institute, in the name of the Borough, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy of use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises;
- K. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- L. Record and file all applications for Zoning Certificates and Certificates of Occupancy with accompanying plans and documents, and maintain those files as a public record;
- M. Maintain the official Zoning District Map for the Borough;
- N. Register nonconforming uses, structures and lots in accordance with Section 1404 of this Ordinance;
- O. Submit a monthly written report to Borough Council of all Zoning Certificates, Certificates of Occupancy, Sign Permits, Temporary Use Permits and all notices of violation and orders issued;
- P. Meet with the Planning Committee no less frequently than quarterly to advise the Commission regarding potential developments and to discuss any problems in administering this Ordinance and/or recommend amendments to this Ordinance.

SECTION 1601 ENFORCEMENT

1601.1 Violations

Failure to comply with any provisions of this Ordinance; failure to secure a Zoning Certificate prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a Certificate of Occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

1601.2 Enforcement Notice

The Enforcement Notice shall contain the following information:

- a. The name of the owner of record and any other persons against whom the Borough intends to take action.
- b. The location of the property in violation.

- c. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.
- d. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

1601.3 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Subsection.

1601.4 Causes of Action

In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or of any other ordinance or regulation made under authority conferred hereby, Borough Council or, with approval of Borough Council, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Borough, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use that constitutes a violation.

SECTION 1602 COORDINATION WITH OTHER BOROUGH REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS

In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with all other applicable Borough Ordinances and all other applicable rules and regulations of the various Borough authorities and agencies that might be concerned, as well as State and Federal requirements and permits.

SECTION 1603 ZONING CERTIFICATE REQUIRED

1603.1 When Required

- a.** No use of land may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a Zoning Certificate has been obtained from the Zoning Officer.
- b.** In the instances where a Building Permit is required and applied for, a Zoning Certificate shall be prerequisite to issuance of the Building Permit. In those instances where no Building Permit is required, an application for a Certificate of Occupancy for a new or changed use of land or structure shall be accompanied by a Zoning Certificate.
- c.** In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Committee and Borough Council or to the Zoning Hearing Board, whichever is applicable, for a decision granting approval of the conditional use or use by special exception prerequisite to issuing a Zoning Certificate. Whenever the approval of a conditional use or use by special exception includes conditions attached to the approval, said conditions shall be incorporated into the Zoning Certificate.

- d. In the case of a permitted use, the Zoning Officer shall not issue the Zoning Certificate unless and until all applicable regulations of this Ordinance have been met. In the case of a use for which land development plan approval is required by the Borough Subdivision and Land Development Ordinance, the Zoning Certificate shall not be issued unless and until Final Approval of the Land Development Plan has been granted by Borough Council. Whenever final approval of a land development plan is subject to conditions, those conditions shall be incorporated into the Zoning Certificate.

1603.2 Application for Zoning Certificate

All applications for Zoning Certificates shall be made in writing by the owner or his authorized agent on a form furnished by the Borough and shall include a statement of the intended use of the building; a property survey both prepared in duplicate and drawn to scale; and copies of all required County, State and/or Federal permits as approved by the appropriate agency and shall include the following information at a minimum:

- a. All applications for a proposed use that does not involve construction, alteration or enlargement of a principal or accessory structure shall include a property survey showing compliance with any applicable requirements for the proposed use such as signage, parking, buffer areas and the like, as well as a narrative describing the proposed use and demonstrating compliance with all applicable criteria for approval, including, but not limited to, any express standards and criteria for a conditional use or use by special exception.
- b. All applications for a Zoning Certificate for a principal structure where construction is proposed shall be accompanied by two (2) copies of a property survey, drawn to scale, showing: key location map; graphic scale; North arrow; closest intersecting public street; exact dimensions and total acreage of the lot(s) or parcel; zoning of the lot(s) and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structure(s); exact location and area of all existing and proposed watercourses; drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot(s) or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Zoning Officer to determine compliance with this Ordinance.
- c. All applications for construction, alteration or enlargement of an accessory structure shall be accompanied by two (2) copies of a plot plan showing the principal structure, the proposed location of the accessory structure, setbacks for the accessory structure, its relationship to the principal structure and all easements and rights-of-way on the property.

- d. The Zoning Officer may require an applicant to furnish a survey of the property by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.
- e. The Zoning Officer may require additional data to determine compliance with this Ordinance.

It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted or request more information of the applicant and officially receive the application for review by the appropriate Borough agencies.

All applications for a Zoning Certificate shall be accompanied by a fee, to be based upon the fee schedule of the Borough, as provided for in Section 1608 of this Ordinance.

1603.3 Approval of Zoning Certificate

Upon approval of the application for a Zoning Certificate, one (1) copy of the approved Zoning Certificate with the approved application attached shall be returned to the applicant. One (1) copy of such Zoning Certificate with the approved application attached shall be kept on file in the Borough Office.

1603.4 Denial of Zoning Certificate

In the event of a denial, the Zoning Officer shall state, in writing, the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances that have not been met.

1603.5 Inspection

The Zoning Officer, or his duly appointed representative, may make inspections on the property for which an application for a Zoning Certificate has been submitted, issued or completed.

1603.6 Failure to Obtain a Zoning Certificate

Failure to obtain a Zoning Certificate shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Section 1601 of this Ordinance.

SECTION 1604 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy indicating compliance with the provisions of this Ordinance shall be required prior to:

- a. Occupancy of any structure following completion of construction, reconstruction or enlargement of the structure for which a Building Permit is required;

- b. Occupancy of any land or structure for which a Building Permit is not required;
- c. A change in the use of an existing building, structure, water body or land area; and
- d. A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

1604.1 Application for Certificate of Occupancy

A Certificate of Occupancy shall only be required for the first (1st) occupancy following construction of any dwelling. A Certificate of Occupancy shall not be required for subsequent occupancies of dwellings. A Certificate of Occupancy shall be required prior to the use and occupancy of any other structure, building, water body or land area. A Certificate of Occupancy shall be required for the change of use of any structure, building, water body or land area, including dwellings.

All requests for a Certificate of Occupancy shall be made in writing, on a form furnished by the Borough, completed by the owner, or other authorized agent and shall include a statement that the use and/or construction authorized by the approved Zoning Certificate has been completed in compliance with all applicable requirements.

- a. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information from the applicant and officially receive the application.
- b. All applications for a Certificate of Occupancy shall be accompanied by a fee to be based upon the fee schedule of the Borough, as provided for in Section 1608 of this Ordinance.

1604.2 Issuance of Certificate of Occupancy

Applications for a Certificate of Occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the request for a Certificate of Occupancy, one (1) copy of the Certificate of Occupancy shall be given to the applicant, and one (1) copy of the Certificate of Occupancy shall be kept on file in the Borough Office.

1604.3 Denial of Certificate of Occupancy

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

1604.4 Time Limitations

A Certificate of Occupancy shall remain valid for as long as the structure, building, water body or land area is used in the manner for which the Certificate of Occupancy has been issued.

1604.5 Temporary Certificate of Occupancy

A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building, structure, water body or land area while work is being completed, provided such temporary Certificate of Occupancy may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public and guarantee compliance with the provisions of this Ordinance or any conditions attached to the Zoning Certificate.

1604.6 Failure to Obtain a Certificate of Occupancy

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 1601 of this Ordinance.

SECTION 1605 TEMPORARY USE PERMITS

A Temporary Use Permit shall be required prior to the initiation of an authorized temporary use of a structure, land or water body and shall meet the following requirements:

1605.1 Approvals Required

- a.** Temporary construction trailers shall be subject to approval of a Temporary Use Permit by the Zoning Officer under this Section provided the Zoning Officer also determines compliance with Section 1107.
- b.** Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail business with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall be exempt from obtaining a Temporary Use Permit. Any such activity that exceeds seventy-two (72) consecutive hours in duration shall be exempt from obtaining approval of a use by special exception from the Zoning Hearing Board, but shall be subject to approval by the Zoning Officer of a Temporary Use Permit provided the Zoning Officer determines compliance with all applicable standards of §1003.19 as a condition precedent to issuing the Temporary Use Permit under this Section.
- c.** Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining approval of a use by special exception from the Zoning

Hearing Board, but shall be subject to approval by the Zoning Officer of a Temporary Use Permit provided the Zoning Officer determines compliance with all applicable standards of §1003.19 as a condition precedent to issuing the Temporary Use Permit under this Section.

- d. All other temporary uses shall be subject to approval by the Zoning Hearing Board of a use by special exception in accordance with the criteria of §1003.19 as a condition precedent to obtaining a Temporary Use Permit from the Zoning Officer under this Section.

1605.2 Application for Temporary Use Permit

All requests for Temporary Use Permits shall be made, in writing, on a form furnished by the Borough and shall include a full description of the type of use for which such Permit is being sought and the dates during which this use is proposed to be in existence.

- a. It shall be the duty of the Zoning Officer to review the application for compliance, request more information of the applicant, if necessary and officially receive the application.
- b. All applications for a Temporary Use Permit shall be accompanied by a fee, to be based upon the fee schedule adopted by the Borough, as provided for in Section 1608 of this Ordinance.
- c. Any temporary use that requires approval of a use by special exception by the Zoning Hearing Board shall include the information required by §1001.3 and §1003.19 for approval of an application for a use by special exception.

1605.3 Issuance of Permit

Any Temporary Use Permit that requires approval of a use by special exception in accordance with the express standards and criteria of §1003.19 shall not be issued until the favorable decision of the Zoning Hearing Board is received.

Applications for a Temporary Use Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the Temporary Use Permit.

Upon approval of the application for a Temporary Use Permit, one (1) copy of the Permit shall be given to the applicant. The applicant's copy of the Permit must be publicly displayed at the site of the temporary use during the existence of the use. One (1) copy of the Permit shall be kept on file in the Borough Office.

1605.4 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

1605.5 Time Limitations

Temporary Use Permits are valid for the time period specified in the approval. Annual renewal may be granted subject to the Zoning Officer's determination that there is continuing compliance with §1003.19. All temporary uses shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

1605.6 Inspections

The Zoning Officer, or his duly appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a Temporary Use Permit, prior to initiation of the use or in the event a renewal of the Temporary Use Permit is requested, during the time the use is in existence.

In the event of such inspection, a record shall be made indicating the time and date of inspection; the findings of the Zoning Officer in regard to conformance with this Ordinance and other Borough Ordinances; and the opinion of the Zoning Officer with regard to the suitability of the site for this use.

1605.7 Failure to Obtain a Temporary Use Permit

Failure to obtain a Temporary Use Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 1601 of this Ordinance.

SECTION 1606 SIGN PERMITS

A Sign Permit shall be required in accordance with the provisions of §1302.11 of this Ordinance. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a Permit has been issued.

1606.1 Application for Permit

All requests for Sign Permits shall be made, in writing, on a form furnished by the Borough and shall include a full description of the proposed sign, a description of the lot upon which such proposed sign is to be located and a description of any other existing signs on the same lot.

- a. All applications for a Sign Permit shall be accompanied by two (2) copies of a drawing showing: width of sign; height of sign; gross surface area of sign; total height of sign above adjacent ground level; clearance between bottommost part of sign and ground level; and, for freestanding signs, the distance between the front edge of the sign and adjacent street right-of-way and the distance between the side or rear edge of the sign and the side or rear property line; the proposed message; construction specifications; the type of foundation, structural integrity and ability to withstand wind loads; the form of illumination proposed, if any; and compliance with the visibility requirements of §1103.4 of this Ordinance.
- b. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant or officially receive the application for the sign.
- c. All applications for a Sign Permit shall be accompanied by a fee, to be based upon the fee schedule of the Borough as provided for in Section 1608 of this Ordinance.

1606.2 Issuance of Permit

Applications for a Sign Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the Sign Permit, one (1) copy of the Permit shall be given to the applicant, and one (1) copy of the Permit shall be kept on file in the Borough Office.

1606.3 Denial of Permit

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reasons(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

1606.4 Inspections

For a Sign Permit, the Zoning Officer, or his duly appointed representative, may make the following inspections on property on which the permanent sign is to be located: prior to installation of the sign; following installation of the sign; occasionally to determine continued maintenance and compliance with this Ordinance; in response to any written complaint; whenever the sign is proposed to be replaced or modified; and upon cessation of the use for which the sign was erected.

1606.5 Failure to Obtain a Sign Permit

Failure to obtain a Sign Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 1601 of this Ordinance.

SECTION 1607 PROCEDURE FOR AMENDMENTS

Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning District Map. In addition, Borough Council may consider amendments to this Ordinance and to the Zoning District Map that are proposed by the Planning Commission or by a petition of landowners of property within the Borough.

1607.1 Petitions

Petitions for amendments by landowners shall be filed with the Planning Committee at least twenty (20) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and documenting consistency with the Borough's Comprehensive Plan and a filing fee, in accordance with the fee schedule fixed by Resolution of Borough Council as provided for in Section 1608. The Planning Committee shall review the proposed amendment and report its findings and recommendations, in writing, to Borough Council.

1607.2 Referral

Any proposed amendment presented to Borough Council without written findings and recommendations from the Borough Planning Committee and the Washington County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of Borough Council. Borough Council shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.

1607.3 Posting of Property

If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.

1607.4 Mailing of Notices

In addition to posting the property, if the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Subsection. This Subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

1607.5 Public Notice and Public Hearing

Before acting on a proposed amendment, Borough Council shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

1607.6 Readvertisement

If, after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

1607.7 Publication, Advertisement and Availability

Proposed amendments shall not be enacted unless Borough Council gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

- a. a copy thereof shall be provided to the newspaper at the time public notice is published; and
- b. an attested copy of the proposed ordinance shall be filed in the County Law Library.

1607.8 Action

In the case of proposed adoption of a completely revised Zoning Ordinance, within ninety (90) days of the date when the public hearing on the proposed ordinance is officially closed, Borough Council shall vote on the proposed ordinance. In the event substantial amendments are made in the proposed ordinance or amendment, Borough Council shall readvertise in one (1) newspaper of general circulation in the Borough a brief summary of the ordinance or amendments at least ten (10) days prior to enactment.

1607.9 Filing Amendment with County Planning Commission

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Washington County Planning Commission.

1607.10 Mediation Option

Borough Council may offer the mediation option as an aid in completing proceedings authorized by this Section 1607. The Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1509 of this Ordinance.

SECTION 1608 FEES

Borough Council shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Borough Secretary.

SECTION 1609 LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, that prohibits or restricts the use or development of land in which he has an interest.

1609.1 Procedure

The landowner may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. As with other proposed amendments, the curative amendment shall be referred to the Borough Planning Committee and the Washington County Planning Commission at least thirty (30) days before the hearing is conducted by Borough Council. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to Borough Council.

1609.2 Evaluation of Merits of Curative Amendment

If Borough Council determines that a validity challenge has merit, Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. Borough Council shall

consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- a. the impact of the proposal upon streets, sewer facilities, water supplies, schools and other public service facilities;
- b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
- c. the suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- e. the impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.

1609.3 Declaration of Invalidity by Court

If the Borough does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions that specifically relate to the landowner's curative amendment challenge.

SECTION 1610 PLANNING COMMITTEE

1610.1 Appointment

Borough Council shall appoint a Planning Committee in the manner prescribed by the Pennsylvania Municipalities Planning Code. The Planning Committee shall be comprised of two (2) members of Council and one (1) citizen member who shall be a resident of the Borough and shall not be an appointed officer or employee of the Borough.

The term of each of the members shall be four (4) years or until a successor is appointed, except that the terms of the members first appointed shall be so fixed that no more than one (1) member shall be appointed or replaced in any future calendar year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

The Planning Committee shall elect its own chairman, vice-chairman and secretary. Officers shall fill annual terms and may succeed themselves.

The Borough Planning Commission created by Ordinance No. 149 adopted on June 8, 1985 is hereby abolished and is hereby replaced by the Planning Committee of Council created by this Ordinance.

1610.2 Powers

The Planning Committee shall have all the powers and duties prescribed by the Pennsylvania Municipalities Planning Code for planning agencies.

The Planning Committee shall also have those powers prescribed by this Ordinance which shall define their duties in relation to the enforcement of zoning restrictions so long as such powers are in conformance with those prescribed by law. These powers shall include:

- a. review and provide recommendations on applications for conditional use approval submitted under Section 1001.
- b. review and provide recommendations on all amendments of this Ordinance as prescribed by Section 1607 of this Ordinance.
- c. review and provide recommendations on applications submitted under the Borough Subdivision and Land Development Ordinance.

1610.3 Rules

The Planning Committee shall adopt rules in accordance with the provisions of this Ordinance. Such rules shall include those necessary for the purpose of administering this Ordinance.

1610.4 Meetings

The Planning Committee shall meet monthly at a regularly prescribed date and meeting place and others as the Chairman may deem necessary. All meetings of the Planning Committee shall be open to the public. The Secretary of the Planning Committee shall keep minutes of all meetings.

1610.5 Notification, Hearings

The Planning Committee may hold public hearings on any matter that comes before the Planning Committee prior to submitting a report thereon to all members of Borough Council. The Planning Committee shall give notice of any public hearing, as defined in Section 201 of this Ordinance.

1610.6 Recommendations

Within thirty (30) days after any hearing, or within such other time as may be prescribed by this Ordinance or the laws of the Commonwealth, the Planning Committee shall record its review and recommendations in written form and shall provide copies to the applicant, the Zoning Officer and the Borough Secretary for distribution to all members of Borough Council.

The Planning Committee shall function as an advisory body and shall be restricted in its duties to applying the conditions, requirements, restrictions and standards imposed by the various sections of this Ordinance in keeping with its overall intent.

In acting upon an application for land development, an application for zoning approval or a proposed amendment to this Ordinance, Borough Council may affirm, reverse or modify the findings of the Planning Committee.

1610.7 Activities

The Planning Committee may, with the approval of Borough Council, undertake special studies relating to the Comprehensive Plan and its implementation which it deems necessary. Public meetings may be undertaken for this Purpose. Material may be gathered and printed. The Planning Committee may, with the approval of Borough Council, retain outside consulting assistance as it deems necessary. All appropriations of Borough funds shall be approved by Borough Council.

1610.8 Annual Report

The Planning Committee shall keep a full record of its business and shall annually make a written report by March 1st of each year of its activities to all members of Borough Council. Interim reports may be made as often as necessary, or at the request of Borough Council.

ORDAINED AND ENACTED THIS 12th DAY OF October , 2011.

BOROUGH OF COKEBURG

**/s/ Catherine Frey
President of Council**

EXAMINED AND APPROVED BY ME THIS 12th DAY OF October, 2011.

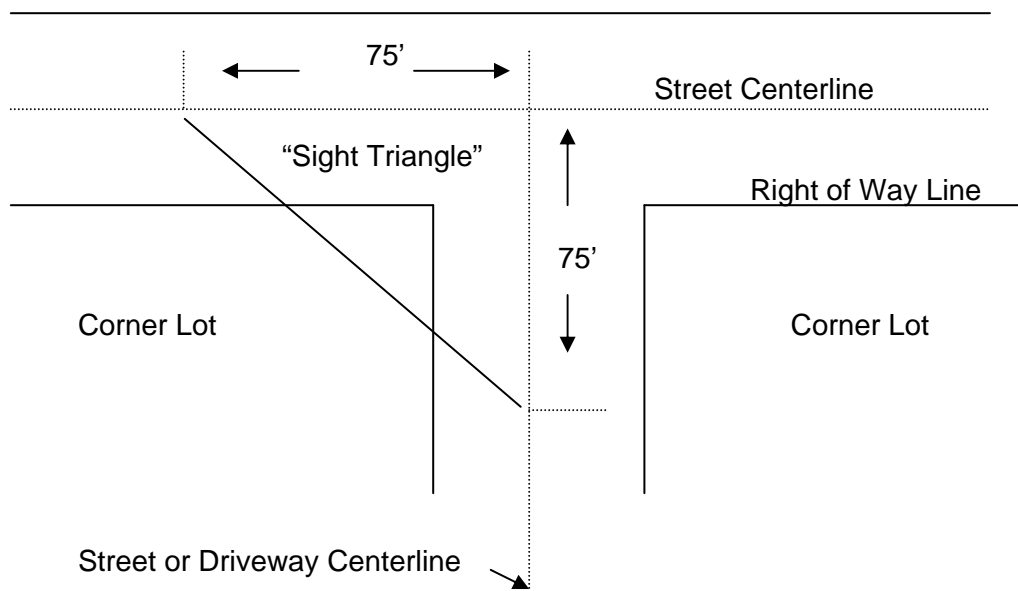
**/s/ Bernard M. Luketich
Mayor**

ATTEST:

**/s/ Betty Pordash
Borough Secretary**

APPENDIX A

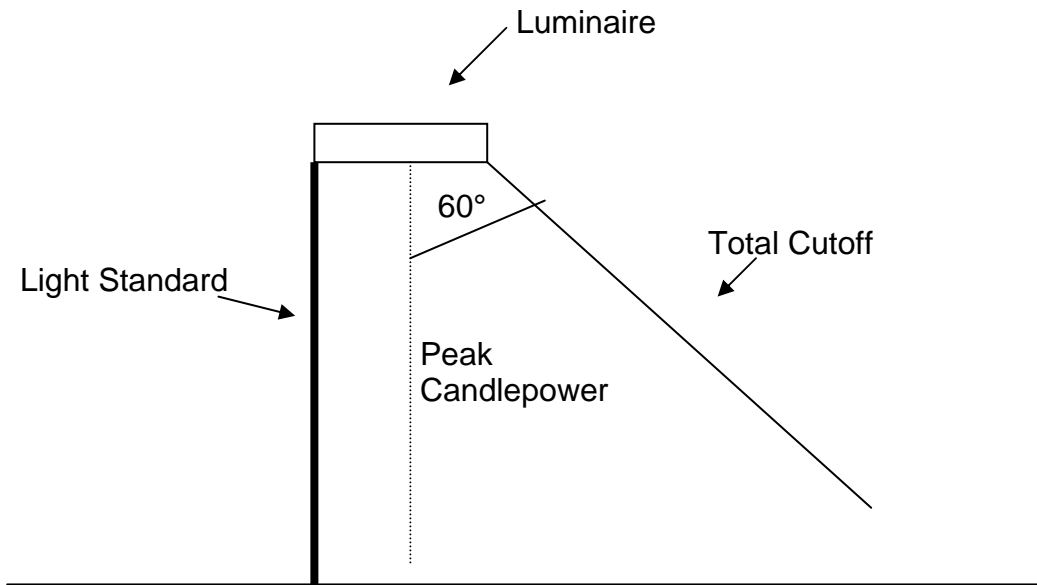
ILLUSTRATION OF CLEAR SIGHT TRIANGLE



VISIBILITY AT INTERSECTIONS

APPENDIX B

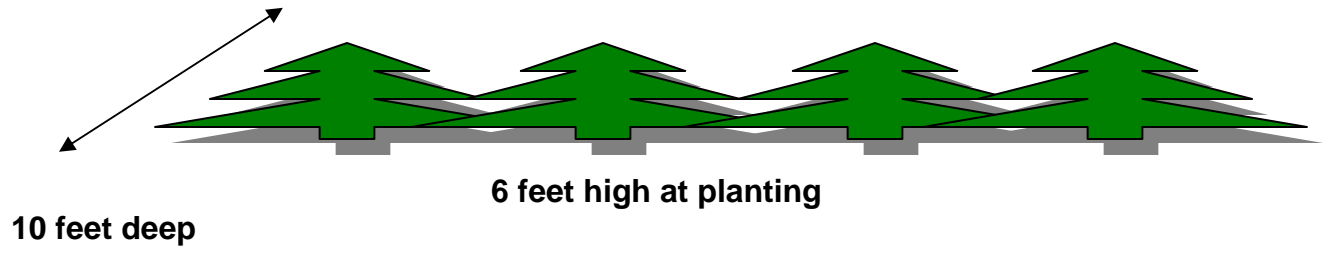
ILLUSTRATION OF CUT-OFF ANGLE



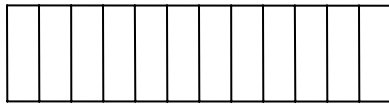
CUTOFF LUMINAIRE

APPENDIX C

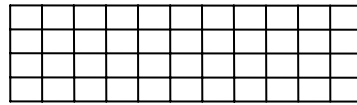
ILLUSTRATION OF BUFFER AREA



ALTERNATE TO PLANTED BUFFER AREA



6 foot high solid fence



6 foot high masonry wall

APPENDIX D

LIST OF SUGGESTED PLANT MATERIALS

Small shrubs for evergreen screening:

- (1) Glossy abelia
- (2) Warty barberry
- (3) Wintergreen barberry
- (4) Dwarf homed holly
- (5) Little holly
- (6) Convexa Japanese holly
- (7) India hawthorn
- (8) Azaleas/rhododendrons
- (9) Japanese yew

Large shrubs for evergreen screening:

- (1) Thorny elaeangus
- (2) Burford holly
- (3) Yaupon holly
- (4) Laurel or sweet bay
- (5) Japanese privet
- (6) Fortune tea olive
- (7) Red photinia
- (8) Leatherleaf viburnum

Assorted shrubs for broken screens:

- (1) Japanese barberry
- (2) Fringe-tree
- (3) Border forsythia
- (4) Vernal witch-hazel
- (5) Common witch-hazel
- (6) Pfitzer juniper
- (7) Drooping leucothoe
- (8) Winter honeysuckle
- (9) Star magnolia
- (10) Northern bayberry
- (11) Judd viburnum
- (12) Doublefile viburnum

Small trees for partial screening:

- (1) River birch
- (2) American hornbeam
- (3) Eastern redbud
- (4) Flowering dogwood
- (5) Washington hawthorn
- (6) Russian-olive
- (7) Mountain silverbell
- (8) American holly
- (9) Goldenrain tree
- (10) Grape myrtle
- (11) Sourwood
- (12) Caroline cherry laurel
- (13) Callery pear
- (14) Flowering cherry
- (15) Crabapple
- (16) Bradford pear
- (17) Japanese black pine

Large trees for evergreen screening:

- (1) Deodar cedar
- (2) Southern magnolia
- (3) Carolina hemlock
- (4) Austrian pine
- (5) Nellie Steers holly

Large trees for shading:

- (1) Norway maple
- (2) Red maple
- (3) Ginkgo
- (4) Honey locust (thornless)
- (5) Sweetgum
- (6) London plane-tree
- (7) Sycamore
- (8) Eastern red oak
- (9) Willow oak
- (10) Scarlet oak
- (11) Laurel Oak
- (12) Littleleaf linden
- (13) Green Ash
- (14) Zelk

**BOROUGH OF COKEBURG
TABLE OF AUTHORIZED USES**

USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
PRINCIPAL USES						
Adult Business	N	N	N	N	CU	N
Agriculture	P	N	N	N	N	N
Art, Music or Photography Studio	N	N	N	N	P	N
Assisted Living Facility	N	N	CU	N	CU	N
Automobile Service Station	N	N	N	N	P	P
Bakery	N	N	N	N	P	N
Bar or Tavern	N	N	N	N	P	N
Beverage Distributor	N	N	N	N	P	N
Biking/Hiking Trail	P	P	P	P	P	P
Billboards	N	N	N	N	CU	N
Business or Professional Offices	N	N	N	N	P	P
Business Services	N	N	N	N	P	N
Car Wash	N	N	N	N	P	N
Churches	N	P	P	P	P	N
Cleaning and Dyeing Plant	N	N	N	N	N	P

NOTE: This Table is not complete in every detail and must be used in conjunction with Articles IV through XIII.
Where there is a conflict, Articles IV through XIII supersede this Table.

P = Permitted CU = Conditional Use SE = Special Exception N = Not Permitted

USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
PRINCIPAL USES						
Commercial Greenhouse	N	N	N	N	N	P
Commercial Recreation	N	N	N	N	P	P
Commercial School	N	N	N	N	P	P
Communications Antenna Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure	P	P	N	P	P	P
Communications Tower	SE	N	N	N	SE	SE
Comparable Uses Not Specifically Listed	SE	SE	N	N	SE	SE
Contracting Business	N	N	N	N	P	N
Contractor's Yard	N	N	N	N	N	P
Convenience Store	N	N	N	N	P	N
Day Care Center or Preschool Facility	N	P	N	N	P	P
Day Spa	N	N	N	N	P	N
Delicatessen	N	N	N	N	P	N
Drug Store	N	N	N	N	P	N
Dry Cleaning Pick-up Store	N	N	N	N	P	N
Educational Studio	N	N	N	N	P	N
<p>NOTE: This Table is not complete in every detail and must be used in conjunction with Articles IV through XIII. Where there is a conflict, Articles IV through XIII supersede this Table.</p> <p>P = Permitted CU = Conditional Use SE = Special Exception N = Not Permitted</p>						

USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
PRINCIPAL USES						
Equipment Storage Yard	N	N	N	N	N	SE
Essential Services	P	P	P	P	P	P
Financial Institution	N	N	N	N	P	N
Fire and Emergency Medical Services	N	P	N	N	N	N
Flex Space	N	N	N	N	N	P
Food and Related Products, Packaging, Storage and Distribution	N	N	N	N	N	P
Food Store	N	N	N	N	P	N
Forestry	P	P	P	P	P	P
Funeral Home	N	N	N	N	P	N
Garden Apartments	N	N	N	CU	CU	N
Garden Nursery	N	N	N	N	P	N
Group Care Facility	N	N	N	N	P	N
Group Living Arrangement	N	N	P	P	N	N
Health Club or Fitness Center	N	N	N	N	P	N
Heavy Manufacturing	N	N	N	N	N	CU
High Technology Industries	N	N	N	N	N	P
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USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
PRINCIPAL USES						
Historic Site	P	N	N	N	N	N
Hospital	N	N	N	N	P	N
Independent Living Facility	N	N	CU	N	CU	N
Indoor Entertainment	N	N	N	N	P	N
Junk Yard	N	N	N	N	N	SE
Kennel	N	N	N	N	P	P
Landscaping Contractor	N	N	N	N	N	P
Laundromat	N	N	N	N	P	N
Light Manufacturing	N	N	N	N	N	P
Machine Shop	N	N	N	N	N	P
Medical Clinic	N	N	N	N	P	N
Mineral Removal	N	N	N	N	CU	CU
Mini-Warehouse or Self Storage Facility	N	N	N	N	P	P
Mobile Home Park	N	N	CU	N	N	N
Motel or Hotel	N	N	N	N	P	P
Multifamily Dwellings	N	N	N	N	P	N
Museum	P	N	N	N	N	N
<p>NOTE: This Table is not complete in every detail and must be used in conjunction with Articles IV through XIII. Where there is a conflict, Articles IV through XIII supersede this Table.</p> <p>P = Permitted CU = Conditional Use SE = Special Exception N = Not Permitted</p>						

USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
PRINCIPAL USES						
Newsstand	N	N	N	N	P	N
Noncommercial Recreation	P	P	N	N	P	N
Nursing Home	N	N	N	N	P	N
Packaging and Delivery Services	N	N	N	N	N	P
Personal Care Boarding Home	N	N	CU	CU	CU	N
Personal Services	N	N	N	N	P	N
Pet Grooming	N	N	N	N	P	N
Pet Services	N	N	N	N	P	N
Planned Industrial Park	N	N	N	N	N	CU
Printing Establishment	N	N	N	N	N	P
Private Club	N	N	N	N	P	N
Public Buildings	N	P	P	P	P	N
Public Parking Lot	N	P	N	N	P	P
Public Recreation	P	P	P	P	P	N
Public Utility Buildings or Structures	P	P	SE	SE	P	P
Repair Shop	N	N	N	N	N	P
Research and Development	N	N	N	N	CU	P
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USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
PRINCIPAL USES						
Restaurant	N	N	N	N	P	P
Retail Stores not otherwise listed herein	N	N	N	N	P	N
Schools, Public or Private	N	P	P	P	P	N
Shopping Center	N	N	N	N	CU	CU
Single Family Dwellings	n	N	P	P	N	N
Supply Yard	N	N	N	N	N	CU
Temporary Use or Structure	SE	SE	SE	SE	SE	SE
Townhouses	N	N	P	P	N	N
Truck and Heavy Equip Rental, Sales and Svc.	N	N	N	N	N	SE
Two Family Dwelling	N	N	N	P	N	N
Vehicle Accessories Sales and Installation	N	N	N	N	P	N
Vehicle Rental, Sales and Service	N	N	N	N	P	N
Vehicle Repair Garage	N	N	N	N	N	P
Veterinary Clinic	N	N	N	N	P	N
Video Store	N	N	N	N	P	N
Warehousing and Distribution	N	N	N	N	N	P
Wholesale Business	N	N	N	N	CU	P
<p>NOTE: This Table is not complete in every detail and must be used in conjunction with Articles IV through XIII. Where there is a conflict, Articles IV through XIII supersede this Table.</p> <p>P = Permitted CU = Conditional Use SE = Special Exception N = Not Permitted</p>						

USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
ACCESSORY USES						
Communications Antenna Mounted on an Approved Communications Tower	N	N	N	N	P	P
Domiciliary Care	N	N	P	P	N	N
Drive-through Facilities	N	N	N	N	P	N
Family Day Care Home	N	N	SE	SE	N	N
Home Gardening	N	N	P	P	N	N
Home Occupation	N	N	SE	SE	N	N
Keeping of Domestic Pets; Shelter for Domestic Pets	N	N	P	P	N	N
Kennel	N	N	N	N	N	N
No Impact Home-Based Business	N	N	P	P	N	N
Off-Street Parking and Loading	P	P	P	P	P	P
Private Garages and Storage Buildings	P Storage buildings only	N	P	P	N	N
Private Residential Swimming Pools and Sports Courts	N	N	P	P	N	N
Retail Sales of Products Produced On-Site	N	N	N	N	N	P
<p>NOTE: This Table is not complete in every detail and must be used in conjunction with Articles IV through XIII. Where there is a conflict, Articles IV through XIII supersede this Table.</p> <p>P = Permitted CU = Conditional Use SE = Special Exception N = Not Permitted</p>						

USE	C-D Conservation District	P-S Public & Semi-Public District	R-L Low Density Residential District	R-1 Village Residential District	B-1 Business District	M-1 Industrial District
ACCESSORY USES						
Signs	P	P	P	P	P	P
Storage Building	N	N	N	N	P	P
Temporary Construction Trailer	P	P	P	P	P	P
Other accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District	P	P	P	P	P	P
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