

OFFICIAL ZONING ORDINANCE

Enacted: May 25, 1993.

Amendments codified through Sept. 8, 2020

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Borough of Strasburg

PRESERVATION

AND

PROGRESS.

FOUNDED—1733

Incorporated—March 13, 1816

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TABLE OF CONTENTS

	<u>Page</u>
ARTICLE 1 BACKGROUND PROVISIONS	7
Section 101 Short Title	7
Section 102 Purpose	7
Section 103 Scope.....	7
Section 104 Interpretation.....	7
Section 105 Conflict	8
Section 106 Validity	8
Section 107 <i>Deleted on 5/14/2019 by Ordinance No. 2019-1</i>	8
Section 108 Establishment Of Zones	8
Section 109 Zoning Map	8
Section 110 Zone Boundary Lines	8
Section 111 Community Development Objectives	9
Section 112 Definitions	9
 ARTICLE 2 ZONES.....	 39
Section 201 Residential Zone (R-H)	39
Section 202 Residential Zone (R-1)	41
Section 203 Residential Zone (R-2)	43
Section 204 Residential Zone (R-3)	45
Section 205 Commercial Zone (C-1)	47
Section 206 Highway Commercial Zone (C-2)	50
Section 207 Restricted Commercial Zone (C-3)	54
Section 208 Industrial Zone (I).....	57
Section 209 Recreation Zone (REC)	62
Section 210 Commercial Office Zone (CO)	63
Section 211 Gateway North Overlay Zone (GN)	65
<i>(Note: The above Section 211 was added on September 13, 20011, by Ordinance No. 2011-2.)</i>	
Section 212 Floodplain Zone (FP)	84
<i>(Note: The above Section 212 was amended on March 8, 2016, by Ordinance No. 2016-1.)</i>	

	<u>Page</u>
ARTICLE 3 GENERAL PROVISIONS	112
Section 300 General Provisions.....	112
Section 301 Accessory Uses and Structures	112
301.1. General Requirements	112
301.2. Fences and Walls.....	112
301.3. Swimming Pools.....	112
301.4. Tennis Courts.....	113
301.5. Satellite Dish Antennas	113
301.6. Alternative Energy Sources.....	113
301.7. Ornamental Ponds and Wading Pools	113
301.8. Man-Made Lakes, Dams and Impoundments.....	114
301.9. Garage/Yard Sales.....	115
301.10. Accessory Repair of Personal Motor Vehicles.....	115
Section 302 Unenclosed Storage	116
302.1. Recreational Vehicles, Boats, Campers, Trailers and Trucks	116
302.2. Outdoor Stockpiling	118
302.3. Trash, Garbage, Refuse, or Junk	118
302.4. Domestic Composts.....	118
Section 303 Setback Modifications	118
303.1. Front Setback or Buildings on Built-up Streets.....	118
303.2. Accessory or Appurtenant Structures	119
Section 304 Height Limit Exceptions.....	119
Section 305 Vision Obstruction.....	119
Section 306 Minimum Habitable Floor Area.....	119
Section 307 Erection of More Than One Principal Use On A Lot.....	120
Section 308 Required Vehicular Access	120
Section 309 Driveway and Access Drive Requirements	120
Section 310 Off-Street Parking Requirements	122
Section 311 Off-Street Loading Facilities.....	125
Section 312 Screening and Landscaping Requirements	128
312.1. Yard Ground Cover.....	128
312.2. Landscaping Requirements	128
312.3. Screening	129
312.4. Selection of Plant Materials	129

	<u>Page</u>
Section 313	Outdoor Signs 129
313.1.	General Regulations for All Signs 129
313.2.	Specific Regulations for Signs 131
313.3.	Signs for Uses Not Permitted as of Right, by Special Exception or by Conditional Use Within a Zone 135
313.4.	Permits 136
Section 314	Roadway Classifications 137
Section 315	Operations and Performance Standards 137
Section 316	Traffic Study Requirements 138
Section 317	Common Open Space Requirements 138
Section 318	Drive-Thru Requirements 139

ARTICLE 4 SPECIFIC CRITERIA 140

Section 400	Specific Standards For Designated Uses 140
Section 401	Accessory Buildings Exceeding 1,200 Square Feet 140
Section 402	Adult-Related Uses 141
Section 403	Amusement Arcades 142
Section 404	Automobile Filling Stations (Including Minor Incidental Repair) 142
Section 405	Automobile Service and Repair Facilities Including, But Not Limited To, Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio, and Upholstery Shop 143
Section 406	Barber and Beauty Salons 144
Section 407	Bed and Breakfasts 145
Section 408	Billboards 145
Section 409	Boarding Houses 146
Section 410	Car Washes 146
Section 411	Churches and Related Uses 147
Section 412	Commercial Day-Care Facilities 149
Section 413	Commercial Recreation Facilities 149
Section 414	Conversion Apartments 151
Section 415	Drive-Thru and/or Fast-Food Restaurants 151
Section 416	Dry Cleaners and Laundry Stations 152
Section 417	Family Day-Care Facilities 152
Section 418	Funeral Homes 153

	<u>Page</u>
Section 419	Health and Recreation Clubs..... 153
Section 420	Heavy Equipment Sales, Service and/or Repair Facilities 153
Section 421	Heavy Industrial Uses..... 154
Section 422	Home Improvement and Building Supply Stores..... 155
Section 423	Home Occupations 155
Section 424	Hospitals 156
Section 425	Junk Yards 157
Section 426	Mini-Warehouses 157
Section 427	Mobile Home Parks..... 159
Section 428	Multiple-Family Dwellings 160
Section 429	Nightclubs..... 161
Section 430	Nursing, Rest or Retirement Homes 162
Section 431	Office Conversions..... 162
Section 432	Outdoor Theaters..... 162
Section 433	Private Clubs..... 163
Section 434	Private Schools 164
Section 435	Recycling Stations for Paper, Plastic, Glass, and Metal Products..... 164
Section 436	Shopping Centers..... 165
Section 437	<i>[Reserved for Future Use]</i> 169
Section 438	Taverns 169
Section 439	Truck or Motor Freight Terminals 169
Section 440	Two-Family Conversions 169
Section 441	Village Overlay Developments 170
441.1.	Purpose 170
441.2.	Relationship to Other Ordinances and Sections of this Zoning Ordinance..... 171
441.3.	Severability and Repealer..... 171
441.4.	Review Procedures..... 171
441.5.	Uses Allowed 171
441.6.	Minimum Area Requirements..... 171
441.7.	Required Mixture of Uses 171
441.8.	Maximum Coverage..... 172
441.9.	Residential Design Requirements 172
441.10.	Open Space Design Requirements..... 174
441.11.	Streets, Sidewalks and Alleys 175

	<u>Page</u>
441.12. Public Utility and Service Requirements	176
441.13. Subsequent Revisions Within the Village Overlay Development	177
441.14. Departures from Design Standards	178
Section 442 Warehousing and Wholesale Trade Establishments.....	178
Section 443 Primary Care Medical Practices	179
Section 444 Communication Antennas and Equipment	180
Section 445 Communication Towers and Equipment	182
Section 446 Accessory Dwelling Units.....	185
Section 447 Active Adult Communities.....	186
<i>(Note: The above Section 447 was added on June 14, 2005, by Ordinance No. 2005-4.)</i>	
Section 448 Medical Marijuana Grower/Processor	198
<i>(Note: The above Section 448 was added on September 8, 2020, by Ordinance No. 2020-4.)</i>	
Section 449 Medical Marijuana Dispensary	199
<i>(Note: The above Section 449 was added on September 8, 2020, by Ordinance No. 2020-4.)</i>	

ARTICLE 5 NONCONFORMITIES 200

Section 500 Continuation	200
Section 501 Abandonment	200
Section 502 Extension of a Nonconforming Use of Land	200
Section 503 Expansion or Alteration.....	200
Section 504 Deleted on 5/14/2019 by Ordinance No. 2019-1.....	201
Section 505 Restoration	201
Section 506 Nonconforming Lots	202
Section 507 Previously Expanded Nonconforming Uses and Structures.....	202
Section 508 Amortization of Nonconforming Signs	203
Section 509 Amortization of the Storage of Junk in Residential Zones.....	203

ARTICLE 6 ZONING HEARING BOARD 204

Section 600 Establishment and Membership	204
Section 601 Organization of Board	204
Section 602 Expenditures for Services.....	205
Section 603 Hearings.....	205
Section 604 Board's Functions	207
Section 605 Parties Appellant Before the Board.....	211

	<u>Page</u>
Section 606 Time Limitations	212
Section 607 Stay of Proceeding.....	212
Section 608 Appeal.....	213
 ARTICLE 7 ADMINISTRATION.....	 214
Section 700 Administration and Enforcement	214
Section 701 Permits	217
Section 702 Certificate of Use and Occupancy.....	219
Section 703 Stop Order.....	220
Section 704 Schedule of Fees, Charges and Expenses	220
Section 705 Amendments.....	221
Section 706 Conditional Uses.....	227
Section 707 Repealer	229
Section 708 Severability	229
Section 709 Effective Date	230
 ZONING MAP.....	 231

ARTICLE 1 BACKGROUND PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the “Strasburg Borough Zoning Ordinance of 1993.”

SECTION 102 PURPOSE

This Ordinance is enacted to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic, or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures.

SECTION 103 SCOPE

From and after the effective date of this Ordinance, the use in the Borough of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, shall be in conformity with the provisions of this Ordinance. Any existing building or land, or use of land lawfully existing on the effective date of this Ordinance, which is not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures, or uses. Provided, however, nothing contained herein shall be deemed to permit or protect any use or structure existing on the effective date of this Ordinance, which is in violation of any prior Zoning Ordinance of the Borough.

SECTION 104 INTERPRETATION

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

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, where doubt exists as to its intended meaning, the language written and enacted by the governing body shall be in favor of the property owner and against any implied extension of the restriction.

SECTION 105 CONFLICT

It is not the intention of this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactments, or with any rule, regulation, or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation, or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

SECTION 106 VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

SECTION 107

(Note: The above Section 107 was deleted on May 14, 2019, by Ordinance No. 2019-1.)

SECTION 108 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Strasburg Borough is hereby divided into zones which shall be designated as follows:

Residential Zone (R-H)

Residential Zone (R-1)

Residential Zone (R-2)

Residential Zone (R-3)

Commercial Office Zone (CO)

Gateway North Overlay Zone (GN)

Commercial Zone (C-1)

Highway Commercial Zone (C-2)

Restricted Commercial Zone (C-3)

Industrial Zone (I)

Recreation Zone (REC)

Floodplain Zone (FP)

(Note: The above Section 108 was revised on May 11, 1999, by Ordinance No. 1999-3 and on September 13, 2011 by Ordinance No. 2011-2.)

SECTION 109 ZONING MAP

The areas within Strasburg Borough, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

SECTION 110 ZONE BOUNDARY LINES

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Borough, or as

dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

SECTION 111 COMMUNITY DEVELOPMENT OBJECTIVES

The Ordinance is enacted with regard to the following community development objectives:

- A. To guide the future development of the Borough in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationship among the residential, industrial, commercial, and recreational areas within the Borough.
- B. To provide for commercial and industrial land use that is sufficient to accommodate the Borough's local business needs.
- C. To protect and preserve the “small-town” historic character and the social and economic stability of all areas of the Borough, and to provide for their orderly maintenance.
- D. To protect and conserve the value of land and buildings throughout the Borough appropriate to the various zones established herein.
- E. To bring about the most beneficial relationship between land use and the circulation of traffic throughout the Borough, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient pedestrian access.
- F. To aid in providing a guide for public policy and action in the efficient provision of public facilities and services.
- G. To focus growth and development in those areas which are characterized by acceptable environmental and physical conditions and infrastructure for such development.

SECTION 112 DEFINITIONS

- A. WORD USAGE - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context:
 - a) words in the present tense imply also the future tense;
 - b) the singular includes the plural;
 - c) the male gender includes the female gender;
 - d) the word “person” includes the officers of a corporation and the members of a partnership or association, an estate and a trust, a partnership or corporation, as

- well as an individual;
- e) the term “shall” or “must” is always mandatory; and,
- f) within each zone, any use not specifically permitted is expressly prohibited.

C. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a street and any use other than one single-family dwelling unit or farm.

ACCESSORY DWELLING UNIT - A dwelling unit that is secondary to and located upon the same lot as a principal dwelling unit. The occupancy of the accessory dwelling unit shall be limited to elderly, handicapped or disabled persons who are related by blood or adoption to the occupants of the principal dwelling unit.

(Note: The above definition of Accessory Dwelling Unit of Section 112 was revised on September 9, 2003, by Ordinance No. 2003-4.)

ACCESSORY USE - A use which:

- A. Is subordinate to and serves a principal building or principal use; and
- B. Is subordinate in area, extent and purpose to the principal building or principal use served; and
- C. Is located on the same zoning lot as the principal building or use served; and
- D. Is not used for dwelling purposes; and
- E. Is not attached to the principal building by a covered passageway and shares no wall in common with the principal building.

(Note: The above definition of Accessory Use of Section 112 was revised on June 10, 1997, by Ordinance No. 1997-3.)

ACCESSORY STRUCTURE - A structure associated with an accessory use which is separated from and in addition to the principal structure or use located on the property (e.g., swimming pools, patios, antennas, tennis courts, detached garages, utility sheds, etc).

ACT - The Pennsylvania Municipalities Planning Code.

ACTIVE ADULT COMMUNITY- a planned residential community providing age restricted housing where 100% of the dwellings are restricted to permanent occupancy by at least one person 55 years of age or older and no regular resident under the age of 55, with the following exceptions:

- A. A spouse under 55 years if married to a resident over that age.
- B. Up to two children, or one child and one child-in-law, over 18 years of age, residing with at least one parent over 55 years of age whose presence is required to care for that parent.

- C. A spouse under 55 years of age who is the surviving member of a previously qualified household.
- D. A live-in nurse or similar caretaker whose presence is required to care for an occupant over 55 years of age.

(Note: The above definition was added on June 14, 2005, by Ordinance No. 2005-4.)

ADULT-RELATED USES - A business or club which engages in one or more of the following areas of sales, services, or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has as a substantial or significant portion of its stock in trade:
 - a) Books, films, magazines, or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the Commonwealth. This definition does not include an 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.

6. Adult Mini-Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically 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 so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed

or specified sexual activity occurs.

13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psycho-sexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

ALLEY - A strip of land over which there is a right-of-way intended to provide vehicular access to the side and/or rear of those properties whose frontage is on a street. An alley is not intended for general traffic circulation.

ALTERATIONS - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in the means of egress from or access to a building or structure; any change to the use of land upon a lot; and, any renovation to a structure which would change its use.

ALTERNATIVE TOWER STRUCTURE – Man-made trees, clock towers, bell steeples, light poles, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(Note: The above definition of Alternative Tower Structure of Section 112 was revised on April 10, 2001, by Ordinance No. 2001-1.)

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video, pool table, games, skee-ball, electronic or water firing ranges, and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL HOSPITALS - Any establishment offering professional services for the care of animals. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

ATTIC - That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area

unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales nor rental, or automatic car washes.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly-enclosed building.

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance, and reconstruction of passenger vehicles, but not including car washes per se.

BASEMENT - See “Cellar.”

BED AND BREAKFAST – An owner-occupied, single-family detached dwelling, when up to four (4) rooms are rented to overnight guest on a daily basis for periods not exceeding two (2) weeks. Meals may be offered only to registered overnight guest.

(Note: The above definition of Bed and Breakfast of Section 112 was revised on September 13, 2011, by Ordinance No. 2011-2.)

BILLBOARD - A sign upon which advertising matter of any character or noncommercial message is printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services, or businesses at a location other than the premises on which the sign is placed, or to disseminate noncommercial messages.

BOARD - The Zoning Hearing Board of Strasburg Borough.

BOARDING HOUSE - An owner-occupied building or portion thereof arranged or used for sheltering or feeding, or both, of not more than six (6) individuals who do not constitute a family who share common kitchen/lavatory or other spaces aside from sleeping quarters.

BOROUGH - Strasburg Borough, Lancaster County, Pennsylvania.

BREWERY - A building or structure where large-scale brewing and production of beer and related products occurs on site that is licensed by the Pennsylvania Liquor Control Board.

(Note: The above definition of Brewery was added on September 8, 2020, by Ordinance No. 2020-4.)

BREW PUB - An eating establishment which serves only beer or malt beverages that are brewed in very small batches or produced on-site for retail purchase only, and such other

limited sales as permitted by the Liquor Code, and is licensed by the Pennsylvania Liquor Control Board. The establishment shall derive at least 50% of its annual gross revenue from the sale of prepared meals or food primarily on non-disposable tableware for on-site consumption. No live entertainment shall be permitted. No more than 50% of the total gross floor area of the establishment shall be dedicated to the brewery function.

(Note: The above definition of Brewpub was added on September 8, 2020, by Ordinance No. 2020-4.)

BUILDING - Any structure with a roof intended for shelter or enclosure of persons, animals, or property.

Detached: A building which has no party wall

Semi-detached: A building which has only one party wall in common.

Attached: A building which has two or more party walls in common.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and stairs.

BUILDING HEIGHT - A building's vertical measurement from the average level of the ground abutting the building at its corners to the highest point of the roof.

BUILDING SETBACK LINE - The actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include stairs.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITES - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as part of a funeral home.

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by a duly

authorized borough officer, setting forth that a building, structure, or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day-care facilities.

CLUB, PRIVATE - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational, and administrative purposes which are not conducted for profit, provided there are not conducted therein any vending stands, merchandising, or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses or amusement arcades, as defined herein.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas nor setbacks between buildings and between buildings and street rights-of-way, driveways, access drives, parking areas, and property lines of the development. No dwelling unit, residential accessory buildings, or parking or loading areas may be located within common open spaces.

COMMUNICATIONS ANTENNA - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. The term “communications antenna” does not include a receiving facility for the sole use of an individual consumer and located on the property in which such individual consumer resides.

(Note: The above definition of Communications Antenna of Section 112 was revised on April 10, 2001, by Ordinance No. 2001-1.)

COMMUNICATIONS TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(Note: The above definition of Communications Tower of Section 112 was revised on April 10, 2001, by Ordinance No. 2001-1.)

CONDITIONAL USE - A use which may be suitable in certain localities within the zone only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Borough Council after recommendations by the Planning Commission, in accordance with Section 706 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVATION DISTRICT – The Lancaster County Conservation District or any entity successor thereto.

(Note: The above definition was amended March 8, 2016, by Ordinance No. 2016-1.)

CONVENIENCE STORE - A retail sales business which specializes in providing household products and foods. Convenience stores may also provide any or all of the following as an accessory use:

1. The rental of video tapes, provided that an adult bookstore is specifically prohibited;
2. The preparation and sales of delicatessen sandwiches and foods, provided that no patron seating is provided; and,
3. The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).

Convenience stores shall not include the dispensing of gasoline or other vehicle fuels, unless the appropriate approvals for an automobile filling station (as defined herein) have been obtained.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

Day-care, Commercial: A day-care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania.

Day-care, Family: A day-care facility that is operated by the occupant as an accessory use to a detached single-family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than six different persons during any calendar day.

DCED – the Pennsylvania Department of Community and Economic Development or any agency successor thereto.

(Note: The above definition was amended March 8, 2016, by Ordinance No. 2016-1.)

DENSITY - The number of dwelling units in relation to the area of land of a parcel in use or proposed to be used for residential purposes, exclusive of public rights-of-way.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENTAL DISABILITY - A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
2. Found to be attributable to any other conditions found to be closely related to mental retardation, because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons, or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in subsections 1. and 2. of this definition.

DEVELOPMENTALLY DISABLED PERSON - A person with a developmental disability.

DOMESTIC PETS - The noncommercial keeping of no more than four adult nonfarm animals that are locally available for purchase as pets, as an accessory use to a primary residential use.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving a one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming, and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations in a portion of the building for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

(Note: The above definition of "Dwelling" was amended on May 14, 2019, by Ordinance No. 2019-1.)

1. Single-Family Detached: A freestanding building

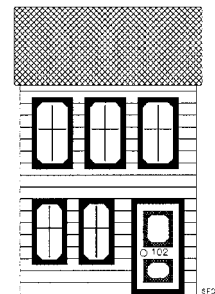


Figure 1

containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and two (2) side yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Travel trailers shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings, so long as they comply with the general requirements of a dwelling. (Figure 1)

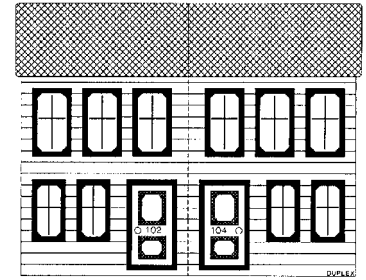


Figure 2

2. Duplex (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over and under configuration. Those units placed on common grounds shall have one front and rear yard, and two side yards. Those units constructed on individual lots shall have one front, side, and rear yard. (Figures 2 and 3)

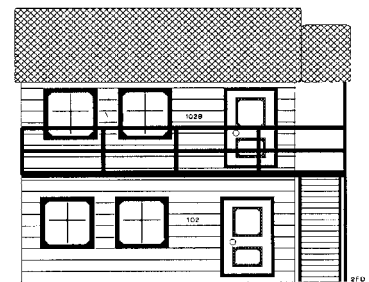
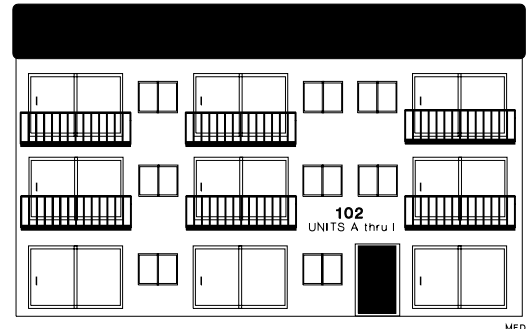


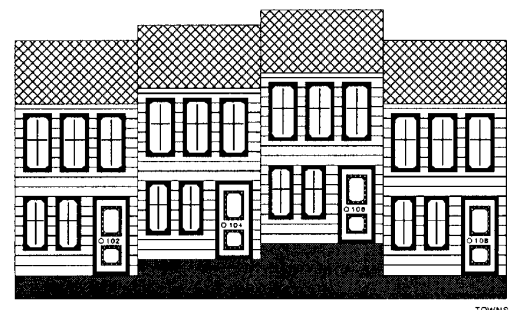
Figure 3

3. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
4. Quadraplex: One detached building that contains four separate dwelling units, all of which share one or two points of exterior access. Within the Village Overlay Zone, all quadraplexes must be designed to resemble one single-family detached dwelling.



MFD

5. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls. (Figure 5)



TOWNS

Figure 5

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities. All dwelling units shall be owner-occupied or leased for periods of not less than thirty (30) continuous days. It is the specific intent of this

definition and Ordinance to prohibit the renting or leasing of a dwelling or dwelling unit for less than thirty (30) continuous days for any purpose including short-term vacation rentals.

(Note: The above definition of "Dwelling Unit" was amended on May 14, 2019, by Ordinance No. 2019-1.)

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction, and the moving, depositing, or storing of soil, rock, or earth; however, excluding the tilling of soils.

FAMILY - An individual or individuals related by blood, marriage, foster care, or adoption plus up to two unrelated boarders who maintain one common household and live within one dwelling unit. Additionally, up to four (4) unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family. The offering of a dwelling or dwelling unit to guests for a short-term rental involving remuneration to the owner from a series of transitory tenants shall not be considered the maintenance of a common household or a family regardless of the relationship of the tenants. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

(Note: The above definition of "Family" was amended on May 14, 2019, by Ordinance No. 2019-1.)

FEMA – the Federal Emergency Management Agency or any agency successor thereto.

(Note: The above definition was amended March 8, 2016, by Ordinance No. 2016-1.)

FENCE - A structure designed as a barrier to restrict the movement of persons, animals, and/or vehicles.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance, or loan company, etc.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR AREA, GROSS - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls or the centerline of party walls, and including all areas intended and designed for the conduct of a business or industrial use.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, and stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FRONT BUILD-TO LINE - A line establishing the location for all, or a portion of a building's front facade.

FRONTAGE - The linear measurement taken along a property's common boundaries with adjoining street rights-of-way.

GARAGE, PRIVATE - An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided, however, that one (1) commercial vehicle of not more than 11,000 pounds gross vehicle weight may be stored therein. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors, and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GRADE - The ground elevation adjacent to a structure, plant, or other object.

GROUP HOME - A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Borough prior to beginning the use. Group homes shall be permitted and regulated in the same manner as any other dwelling unit within each respective zone.

HARB (HISTORIC ARCHITECTURAL REVIEW BOARD) - A board appointed by Borough Council who is responsible for administering local historic architectural design standards in accordance with PA Act 167 of 1961.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, above ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the

Borough.

HEAD-IN PARKING SPACES - Off-street parking spaces that directly abut and access a public street. These spaces run perpendicular to or are angled (no less than sixty degree [60°] interior angle) from the public street.

HEALTH AND FITNESS CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEIGHT, BUILDING - A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HIGHWAY ACCESS POINT - The vehicular entrance or exit of a use to a public street.

HISTORIC PROPERTY - A district, site, building, structure or object that is on or eligible for inclusion on the National Register of Historic Places, is recognized by the Pennsylvania Historical and Museum Commission as being historically significant, is located within the Historic District as described in Chapter 4, Part 1, of the Code of Ordinances of the Borough, or is recognized by the Historic Preservation Trust of Lancaster County as being historically significant. Any lot which contains an historic property shall also be considered an historic property.

(Note: The above definition of Historic Property of Section 112 was revised on April 10, 2001, by Ordinance No. 2001-1.)

HOBBY - An activity that is undertaken solely as a leisure or recreational pastime. The sale of any product or service shall not be considered to be a hobby.

HOME IMPROVEMENT STORE - A facility for the retail sale of a combination of products used in the construction, repair, and improvement of homes including but not limited to lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

HOME OCCUPATION - A business or commercial activity other than a no-impact home-based business that is conducted as an accessory use to a principal dwelling unit.

(Note: The above definition of Home occupation of Section 112 was revised on September 9, 2003 by Ordinance No. 2003-5.)

HOSPITAL - A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care.

HOTEL/MOTEL - An establishment which is open to transient guests and in which lodging with or without meals is offered for compensation and in which there are more than five (5) separate sleeping units.

IMPROVEMENT - Any type of structure, excavation or pavement, excluding a driveway or curb.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

JOINT-USE-DRIVEWAY - A common driveway that serves three or four adjoining dwellings within a Village Overlay Development.

JUNK - Any used and/or discarded materials, including but not limited to, wastepaper, rags, metal, building materials, house furnishings, appliances, tires, machinery, and vehicles, or parts thereof, with or without the dismantling, processing, salvage, recycling, sale or other use or disposition of the same.

JUNK YARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk. For purposes of this definition, the storage of one garaged or covered unlicensed, wrecked, or disabled vehicle, or major part thereof, on the lot of one principal dwelling or business shall not constitute a junk yard. (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate and a certificate of inspection.)

KENNEL - Any lot on which four or more adult animals (except relating to a farm) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels. Operation of kennels shall comply with the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, as amended, 3 P.S. 459-101 et seq., and all applicable regulations of the Department of Agriculture.

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, shall be deemed to be a landowner for the purposes of this Ordinance.

LANDSCAPE SCREEN - A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees planted with specimens having an initial height of not less than five (5) feet and planted at intervals or not more than ten (10) feet on center. The low-level screen shall consist of evergreen shrubs planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet on center. The low-level screen shall be placed in alternating rows to produce an effective visual barrier.

LIQUOR CODE - The Act of April 12, 1951, P.L. 90, reenacted as the Act of June 29, 1987, P.L. 32, No. 14, as amended from time to time, 47 P.S. § 1-101 *et seq.*

(Note: The above definition of Liquor Codey was added on September 8, 2020, by Ordinance No. 2020-4.)

LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

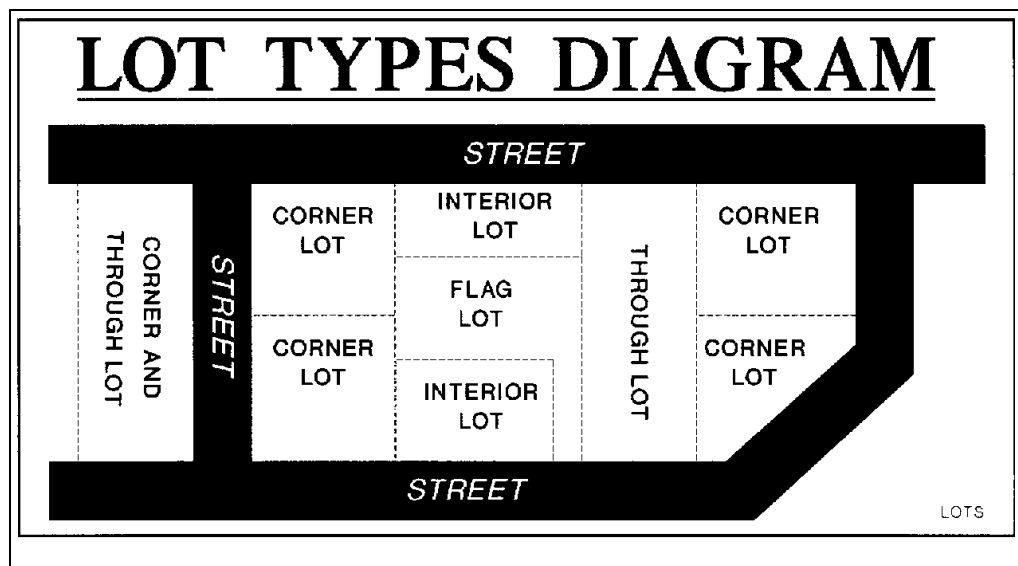
LOT - Any parcel or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement or development. The word “lot” includes the word “plot,” “parcel” or “tract.” Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

Lot Corner: A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Corner lots shall have two front yards and two side yards.

Lot Flag: A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

Lot Interior: A lot other than a corner lot, the sides of which do not abut a street.

Lot Through: An interior lot having frontage on two parallel or approximately parallel streets.



LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

MANUFACTURING - A function involving either the processing or production of materials, goods or products.

MATERIALS - Articles which are components of a future product.

MEDICAL MARIJUANA - Marijuana for certified medical use as legally permitted in the Commonwealth of Pennsylvania pursuant to the Medical Marijuana Act, as amended.

(Note: The above definition of Medical Marijuana was added on September 8, 2020, by Ordinance No. 2020-4.)

MEDICAL MARIJUANA ACT - The Act of April 17, 2016, P.L. 84, No. 16, as amended from time to time, 53 P.S. § 10231.101 *et seq.*

(Note: The above definition of Medical Marijuana Act was added on September 8, 2020, by Ordinance No. 2020-4.)

MEDICAL MARIJUANA DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health (DOH) to dispense medical marijuana; the term includes the facility from which medical marijuana is dispensed.

(Note: The above definition of Medical Marijuana Dispensary was added on September 8, 2020, by Ordinance No. 2020-4.)

MEDICAL MARIJUANA GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health (DOH) to grow and process medical marijuana; the term includes the facility in which medical marijuana is grown/processed.

(Note: The above definition of Medical Marijuana Grower/Processor was added on September 8, 2020, by Ordinance No. 2020-4.)

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by three or more medical and/or dental practitioners and related services for the purpose of

providing health services to people on an outpatient basis.

MICROBREWERY - A building or structure where small-batch brewing and production of beers and related products occurs on site that is licensed by the Pennsylvania Liquor Control Board. A microbrewery that includes a restaurant and/or area for consumption of such beverages shall be regulated as a brewpub under this Ordinance.

(Note: The above definition of Microbrewery was added on September 8, 2020, by Ordinance No. 2020-4.)

MINI-WAREHOUSE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in Section 427 of this Ordinance. Mobile homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

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 which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL USE - Any use owned or operated by the Borough of Strasburg, a municipal authority formed singly or jointly by the Borough of Strasburg, or a commission or other intergovernmental agency created by the Borough and another governmental entity or entities under the Intergovernmental Cooperation Act, 53 Pa. C.S. §2301 et seq., or other statute.

(Note: The above definition was added on May 11, 1999, by Ordinance No. 1999-3.)

MUNICIPALITY - Borough of Strasburg, Lancaster County, Pennsylvania.

NET ACRE - An acre of development area exclusive of areas contained within public and/or private streets.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live

entertainment” is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment.

NO-IMPACT HOME-BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

- 1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2) The business shall employ no employees other than family members residing in the dwelling.
- 3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- 4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 7) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.
- 8) The business may not involve any illegal activity.

(Note: The above definition of No-Impact Home Based Business of Section 112 was revised on September 9, 2003 by Ordinance No. 2003-5.)

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NURSING, REST OR RETIREMENT HOMES - Facilities designed and licensed for the housing, boarding, and dining associated with some level of nursing care. Nursing, rest or retirement homes must be licensed where required by any appropriate governmental agencies, and a copy of any such licenses shall be delivered to the Borough prior to beginning the use.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, recordkeeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

ON-SITE SEWER SERVICE - The disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Pennsylvania Department of Environmental Protection.

ON-SITE WATER SERVICE - The safe, adequate, and healthful supply of water to a single user from a private source.

PA DEP - Pennsylvania Department of Environmental Protection.

PA DOT - Pennsylvania Department of Transportation.

PARKING COMPOUND - A primary business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements listed in Section 310 of this Ordinance.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS, PRIVATE - A recreational facility owned or operated by a non-public agency and/or conducted as a private gainful business.

PARKS, PUBLIC AND/OR NONPROFIT - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult related uses, and amusement arcades.

PERMANENT OCCUPANCY - the residing in a dwelling by a person for any length of time other than (a) guests residing for a period of less than 31 consecutive days or 61 cumulative days within any given calendar year or (b) active duty members of a U.S. Military unit during periods of authorized leave.

(Note: The above definition was added on June 14, 2005, by Ordinance No. 2005-4.)

PERSON - An individual, corporation, partnership, incorporator's association, or any other similar entity.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include "planned center signs" as regulated herein.

PLANNED UNIT COMMUNITY - A residential or active adult community development in which separate lots will not be created for each principal building.

(Note: The above definition was added on June 14, 2005, by Ordinance No. 2005-4.)

PLANNING COMMISSION - The Planning Commission of Strasburg Borough.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.

3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIMARY CARE MEDICAL PRACTICE - A building occupied by licensed medical practitioners, the majority of whom shall provide primary care examination and treatment of persons on an outpatient basis. Any licensed medical practitioners who are specialists, rather than primary care physicians, shall also provide examination and treatment on an outpatient basis. A primary care medical practice may also provide accessory diagnostic and treatment services to patients, such as testing of blood or tissues, X rays and dispensing of medications.

(Note: The above definition was added on November 11, 1997, by Ordinance No. 1997-6.)

PROCESSING - A function involved in the manufacture of materials, goods, or products in which they are not physically changed, except for packaging or sizing.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

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 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign(s) at a conspicuous location along the perimeter of the subject property; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC USES - Includes public and semi-public uses of a welfare and educational

nature, such as schools, parks, fire stations, library, museums, ambulance stations, municipal buildings, and garages, etc.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality, or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A municipal water supply system permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RECYCLING COLLECTION FACILITIES - An accessory use whereby recycled materials are dropped off by the public for collection by a waste hauler and/or processor.

RECYCLING STATIONS - A principal use whereby collected recyclables are separated, processed, cut, shredded, cleaned, ground, crushed, bundled, bailed, and/or packaged.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period in exchange for something of value.

REPAIR - A function involved in the correcting of deficiencies affecting the performance ability of products or goods.

RESIDENTIAL OCCUPANCY – The non-transient occupancy of a dwelling or dwelling unit by one family for a continuous period of thirty (30) or more days. In order for the occupancy of a dwelling or a dwelling unit to be considered residential occupancy, such dwelling or dwelling unit shall be owner-occupied or shall be leased to a family (as defined in this Ordinance) for a period of not less than thirty (30) continuous days.

(Note: The above definition of "Residential Occupancy" was added on May 14, 2019, by Ordinance No. 2019-1.)

RESTAURANT - An establishment that primarily serves prepared food on non-disposable tableware for on-site consumption, but can also provide for carry-out. Restaurants may also serve alcoholic beverages when properly licensed by the Pennsylvania Liquor Control Board. Caterers, cafes, tea rooms, delicatessens and similar uses shall be included in this definition.

(Note: The above definition of Restaurant was amended on September 8, 2020, by Ordinance No. 2020-4.)

RESTAURANT - DRIVE-THRU OR FAST-FOOD - An establishment that serves prepared food generally packaged in disposable or recyclable wrappers, plates, and containers. Such food can be consumed either on or off the site.

RETAIL STORE/SALES - Those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related uses as defined herein.

RIGHT-OF-WAY - A corridor of publicly-owned land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways, and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line.")

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

1. Commercial School - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the School District.
2. Private School - A school that offers preschool, kindergarten, elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
3. Public School - A school licensed by the Department of Education for the purpose of providing preschool, kindergarten, elementary, secondary, and adult education, and operated by the School District.
4. Vocational-Mechanical Trade School - A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - a) Truck driving;
 - b) Engineer repairs;
 - c) Building construction and general contracting;
 - d) Woodworking;
 - e) Masonry;
 - f) Plumbing;
 - g) Electrical contracting; and,
 - h) Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 604.5. of this Ordinance.

SCHOOL DISTRICT - Lampeter-Strasburg School District.

SETBACK - The required horizontal distance between a setback line and a property or street line.

Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly, called “required front yard.”

Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”

Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line. Such minimum distance shall be measured horizontally between the street and/or property line, and a vertical plane that coincides with the closest face or projection of the structure at or above grade (except for overhanging eaves, gutters, and cornices) to the street and/or property line.

SHADE TREE - A deciduous tree that shall have a clear trunk at least five (5) feet above the finished grade.

SHOPPING CENTER - One store containing at least 20,000 square feet of gross floor area, or a group of stores, functioning as a unit, with shared off-street parking and vehicular access.

SHORT-TERM RENTAL - The use of a structure that would be considered a dwelling and a dwelling unit but is leased for less than thirty (30) continuous days or does not meet the definition of residential occupancy or is not occupied by a family. Short-term rentals are expressly and specifically prohibited by this Ordinance in all Zones. A dwelling unit with an approved bed and breakfast shall not be considered a short-term rental.

(Note: The above definition of “Short-Term Rental” was added on May 14, 2019, by Ordinance No. 2019-1.)

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, including lettering or symbols that are an integral part of another structure, or flags or other insignia of any government, fraternal, or similar organization.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons, partnerships, corporations or other legally recognized entities which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where the lot has been separately described as such, by metes and bounds, in a recorded deed or other instrument of conveyance prior to the

enactment of this Ordinance and has continued since that date to be so separately described in all subsequent recorded deeds or other instruments of conveyance and the owner of such lot does not hold any abutting or adjoining lot.

SLDO - The most recent version of the Strasburg Borough Subdivision and Land Development Ordinance, as may be amended from time to time.

SOLID WASTE - Garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3. of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation.

STORAGE - A function involving the deposition of materials, goods, or products for safekeeping.

STOREFRONT - The wall of a unit of occupancy which faces a front yard within a shopping center, as defined herein.

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic and/or pedestrians.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

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

Structure, Accessory: A structure associated with an accessory use which is separated from and in addition to the principal structure or use located on the property (e.g., swimming pools, patios, antennas, tennis courts, garages, utility shed, etc).

Structure, Principal: A structure associated with a primary use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar non-permanent improvements.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market and/or appraised value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one foot. Farm ponds and/or lakes are not included, provided that swimming was not

the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

TESTING - A function involved in the examination of the qualities, performances, or capabilities of a product, good, or material.

TRAVEL TRAILER - A portable structure, primarily designed to provide temporary living quarters for recreation, camping, or travel purposes. In addition to the above, any of the following attributes are characteristic of a “travel trailer”:

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewage, and,
5. The unit contains some identification by the manufacturer as a travel trailer.

TWO-FAMILY CONVERSIONS - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UNIT - See “Dwelling Unit.”

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

Use, Principal: The main or primary use of property or structures.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN'S OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

VOCATIONAL-MECHANICAL TRADE SCHOOL - An educational use that offers training of the following occupations:

1. Truck driving;
2. Engine repairs;
3. Building construction and general contracting;
4. Woodworking;
5. Masonry;
6. Plumbing;
7. Electrical contracting; and,
8. Other similar trades.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytes typically adapted for life in hydric soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any areas designated as wetlands by the United States Army Corps of Engineers, a river basin commission, or the Borough.

WHOLESALE - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WINDOW - An opening to the outside, other than a door which provides all or part of the required natural light, natural ventilation, or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy.

WINE RETAIL/TASTING - An establishment which sells packaged wines for off-premises consumption and/or serves wines for on-premises consumption, and which may perform such other limited sales as permitted by the Liquor Code, and is licensed by the Pennsylvania Liquor Control Board. Wine Retail/Tasting establishments may also serve a very limited selection of food, but no live entertainment shall be permitted.

(Note: The above definition of Wine Retail/Tasting was added on September 8, 2020, by Ordinance No. 2020-4.)

WECS UNIT - Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

YARD - An area between the permitted structures and the property lines.

Yard, Front: The area contained between the street right-of-way line and the

principal structure.

Yard, Rear: The area contained between the rear property line and the principal structure. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be all areas between the building and every lot line.

Yard, Side: The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the streets.

ZONING - The designation of specified districts within the Borough, reserving them for certain uses together with limitations on lot size, heights of structures, and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ARTICLE 2 ZONES

SECTION 201 RESIDENTIAL ZONE (R-H)

201.1. Purpose - The purpose of this Zone is to acknowledge and continue the tightly-knit, single-family detached character of the Borough's main streets. These areas have a wealth of historic structures that largely contribute to the Borough's historic charm and vitality. This Zone seeks to protect the integrity of these areas by limiting future developments to ones that are compatible with and/or are logical adaptive reuses of older structures.

201.2. Permitted Uses

1. Single-family detached dwellings;
2. Duplexes;
3. Public and/or nonprofit parks and playgrounds;
4. Public uses and public utilities structures;
5. No-impact home based businesses; and,
6. Accessory uses customarily incidental and secondary to the above permitted uses, provided that no detached accessory building shall contain more than one thousand two hundred (1,200) square feet of total floor area unless a special exception is granted in accordance with Section 401 of this Ordinance and further provided that no more than one accessory building per principal building shall be permitted.

(Note: The above permitted use of Section 201.2.5. was revised on September 9, 2003, by Ordinance No. 2003-5.)

(Note: The above permitted use of Section 201.2.6. was revised on June 10, 1997, by Ordinance No. 1997-3.)

201.3. Special Exception Uses (See Section 604.3.)

1. Accessory detached structures exceeding 1,200 square feet of total floor area (see Section 401);
2. Barber and beauty salons (see Section 406);
3. Bed and breakfasts (see Section 407);
4. Churches and related uses (see Section 411);
5. Family day-care facilities (see Section 417);
6. Home occupations (see Section 423);
7. Office conversions (see Section 431);
8. Two-family conversions (see Section 440); and,
9. Accessory dwelling units (see Section 446).

(Note: The above special exception use of Section 201.3.1. was revised on June 10, 1997, by Ordinance No. 1997-3.)

(Note: The above special exception use of Section 201.3.9. was revised on September 9, 2003, by Ordinance No. 2003-4.)

201.4. Conditional Uses (See Section 706.)

1. Conversion apartments (see Section 414);
2. Commercial day-care facilities (see Section 412); and,
3. Communications antenna mounted on an existing public utility transmission tower, building or other structure, including existing

communications towers and communications equipment buildings (see Section 444).

(Note: The above conditional use of Section 201.4.3. was revised on April 10, 2001 by Ordinance 2001-1.)

201.5. Minimum Lot Area - Eight thousand (8,000) square feet.

201.6. Minimum Lot Width - Sixty (60) feet as measured at the street line and building setback line.

201.7. Minimum Principal Setbacks

1. Front yard - No part of any building shall be located closer than twenty-five (25) feet from the street right-of-way line; provided, however, that when the subject property is situated between two improved lots, at least one of which is developed with a setback less than the required twenty-five (25) feet, the required front yard for the subject property may be reduced to a depth not less than the average front yard setback of the two adjoining lots;

(Note: The above Section 201.7. and 201.7.1. were revised on April 23, 1996, by Ordinance No. 2-1996.)

2. Side yards - Five (5) feet on each side; and,
3. Rear yard - Twenty-five (25) feet.

201.8. Maximum Lot Coverage - Fifty percent (50%).

201.9. Maximum Permitted Height - Principal structures - Thirty-five (35) feet.

201.10. Accessory uses shall comply with Section 301 of this Ordinance.

201.11. All exterior construction, addition, and improvement work is subject to review and approval by the Borough's Historic Architectural Review Board.

201.12. All uses shall comply with all applicable General Provisions listed in Article 3 of this Ordinance.

201.13. All off-street parking shall be located within the rear yard.

SECTION 202 RESIDENTIAL ZONE (R-1)

202.1. Purpose - The purpose of this Zone is to reflect and permit a continued development pattern that has evolved in these areas. Characteristics of this Zone include smaller and narrower lot sizes with older detached and attached dwellings; however, this Zone does not coincide with the Borough's Historic District. Uses permitted within this Zone are limited to complement these existing neighborhoods, and off-street parking is restricted to rear yard locations.

202.2. Permitted Uses

1. Single-family detached dwellings;
2. Duplexes;
3. Public and/or nonprofit parks and playgrounds;
4. Public uses and public utilities structures;
5. No-impact home based businesses; and,
6. Accessory uses customarily incidental and secondary to the above permitted uses, provided that no detached accessory building shall contain more than one thousand two hundred (1,200) square feet of total floor area unless a special exception is granted in accordance with Section 401 of this Ordinance and further provided that no more than one accessory building per principal building shall be permitted.

(Note: The above permitted use of Section 201.2.5. was revised on June 10, 1997, by Ordinance No. 1997-3.)

(Note: The above permitted use of Section 202.2.6. was revised on September 9 2003, by Ordinance No. 2003-5.)

202.3. Special Exception Uses (See Section 604.3.)

1. Accessory detached structures exceeding 1,200 square feet of total floor area (see Section 401);
2. Barber and beauty salons (see Section 406);
3. Bed and breakfasts (see Section 407);
4. Churches and related uses (see Section 411);
5. Family day-care facilities (see Section 417);
6. Home occupations (see Section 423);
7. Office conversions (see Section 431);
8. Two-family conversions (see Section 440); and,
9. Accessory dwelling units (see Section 446)

(Note: The above special exception use of Section 202.3.9. was revised on September 9, 2003, by Ordinance No. 2003-4.)

(Note: The above special exception use of Section 202.3.1. was revised on June 10, 1997, by Ordinance No. 1997-3.)

202.4. Conditional Uses (See Section 706.)

1. Conversion apartments (see Section 414); and,
2. Commercial day-care facilities (see Section 412).

202.5. Minimum Lot Area - Eight thousand (8,000) square feet.

202.6. Minimum Lot Width - Forty (40) feet as measured at the street line and

building setback line.

202.7. Minimum Principal Setbacks

1. Front yard - No part of any building shall be located closer than twenty-five (25) feet from the street right-of-way line; provided, however, that when the subject property is situated between two improved lots, at least one of which is developed with a setback less than the required twenty-five (25) feet, the required front yard for the subject property may be reduced to a depth not less than the average front yard setback of the two adjoining lots;

(Note: The above Section 202.7. and 202.7.1. were revised on April 23, 1996, by Ordinance No. 2-1996.)

2. Side yards - Five (5) feet on each side; however, if all off-street parking is provided in the rear yard and the driveway runs through one side yard, the other side yard can be reduced to three (3) feet; and,
3. Rear yard - Twenty-five (25) feet.

202.8. Maximum Lot Coverage - Fifty percent (50%).

202.9. Maximum Permitted Height - Principal structures - Thirty-five (35) feet.

202.10. Accessory uses shall comply with Section 301 of this Ordinance.

202.11. All uses shall comply with all applicable General Provisions listed in Article 3 of this Ordinance.

202.12. All off-street parking shall be located within the rear yard.

SECTION 203 RESIDENTIAL ZONE (R-2)

- 203.1. Purpose** - This Zone accommodates the newer neighborhoods that have developed around the edges of the Borough. These neighborhoods are characterized by suburban-like, single-family detached dwellings with densities around 3.6 dwellings per acre. Nonresidential uses have been strictly limited to protect the residential integrity of these neighborhoods. Village Overlay Developments are encouraged through the use of density bonuses and are subject to conditional use review procedures.

(Note: The above Section 203.1. was amended on November 11, 1997, by Ordinance No. 1997-6.)

203.2. Permitted Uses

1. Single-family detached dwellings;
2. Public and/or nonprofit parks and playgrounds;
3. Public uses and public utilities structures;
4. Agricultural uses, **excluding** the housing of livestock, poultry and/or other farm animals;
5. No-impact home based businesses; and,
6. Accessory uses customarily incidental to the above permitted uses.

(Note: The above permitted use of Section 203.2.5. was revised on September 9 2003, by Ordinance No. 2003-5.)

203.3. Special Exception Uses (See Section 604.3.)

1. Family day-care facilities (see Section 417);
2. Home occupations (see Section 423); and,
3. Accessory dwelling units (See Section 446).

(Note: The above special exception use of Section 203.3.3. was revised on September 9, 2003, by Ordinance No. 2003-4.)

203.4. Conditional Uses (See Section 706.)

1. Village Overlay Developments (see Section 441).

(Note The above Section 203.4. was amended deleting primary care medical practices, on May 11, 1999, by Ordinance No. 1999-3.)

203.5. Minimum Lot Area - Twelve thousand (12,000) square feet.

203.6. Minimum Lot Width - Ninety (90) feet at the street line and one hundred (100) feet at the building setback line.

203.7. Minimum Principal Setbacks

1. Front yard - Twenty-five (25) feet;
2. Side yards - Ten (10) feet on each side; and,
3. Rear yard - Twenty-five (25) feet.

203.8. Maximum Lot Coverage - Thirty-five percent (35%).

203.9. Maximum Permitted Height - Principal structures - Thirty-five (35) feet.

- 203.10.** Accessory uses shall comply with Section 301 of this Ordinance.
- 203.11.** All uses shall comply with all applicable General Provisions listed in Article 3 of this Ordinance.

SECTION 204 RESIDENTIAL ZONE (R-3)

204.1. Purpose - This Zone accommodates the higher density residences within the Borough. A wide range of dwelling unit types are permitted with densities exceeding those permitted elsewhere within the Borough. This Zone also encourages the use of innovative housing types and site planning methods through its flexible design standards and optional Village Overlay Development conditional use. Finally, other special-needs residential uses are allowed in this Zone.

204.2. Permitted Uses

1. Single-family detached dwellings;
2. Duplexes;
3. Townhouses;
4. Public and/or nonprofit parks and playgrounds;
5. Public uses and utilities;
6. Agricultural uses, **excluding** the housing of livestock, poultry and/or other farm animals;
7. No-impact home based businesses; and,
8. Accessory uses customarily incidental to the above permitted uses.

(Note: The above permitted use of Section 204.2.7. was revised on September 9 2003, by Ordinance No. 2003-5.)

204.3. Special Exception Uses

1. Family day-care facilities (see Section 417);
2. Home occupations (see Section 423);
3. Churches and related uses (see Section 411);
4. Nursing, rest or retirement homes (see Section 430);
5. Boarding houses (see Section 409);
6. Commercial day-care facilities (see Section 412);
7. Private schools (see Section 434); and
8. Accessory dwelling units (see Section 446).

(Note: The above special exception use of Section 204.3.8. was revised on September 9, 2003, by Ordinance No. 2003-4.)

204.4. Conditional Uses

1. Mobile home parks (see Section 427);
2. Multiple family dwellings (see Section 428); and,
3. Village Overlay Developments (see Section 441).

204.5 Maximum Permitted Density - Within this Zone, residential developments involving permitted uses listed in Section 204.2. shall not exceed an overall density of five (5) dwelling units per net acre, regardless of the combination of dwelling unit types proposed.

204.6. Design Standards - See table as follows:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width ¹	Maximum Lot Coverage	Minimum Front Yard	Minimum Side Yard		Rear Yard
					One Side	(Both Sides)	
Single-Family	7,500	60'	45%	25'	10'	(20')	25'
Duplexes	6,000 per unit	40' per unit	45%	25'	10'	N/A	25'
Townhouses ²	2,000 per unit	20' per unit	60%	25'	15'	(End Units)	25'
Other Uses	10,000 per unit	80' per unit	45%	25'	20'	(40')	25'

¹Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy percent (70%) of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

²No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following shall apply.

In those instances where several townhouse groupings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building.
- b. A minimum yard space of thirty (30) feet is required between end walls of buildings.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

204.7. Maximum Permitted Height - Principal structures - Thirty-five (35) feet.

204.8. All uses shall also comply with the applicable General Provisions contained in Article 3 of this Ordinance.

204.9. Accessory uses shall comply with Section 301 of this Ordinance.

204.10. If any common open space is proposed, it shall be governed by Section 317 of this Ordinance.

SECTION 205 COMMERCIAL ZONE (C-1)

205.1. Purpose - The purpose of this Zone is to provide basic convenience commercial goods and services to local residents who live in the Borough. Uses have been limited to those that residents are likely to need on a daily, or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone, and to encourage the adaptive reuse of converted historic dwellings rather than the construction of new commercial buildings. Requirements have been imposed to preserve the “small-town” character of this area and reflect the “tightly-knit” land use pattern that exists within the Borough. Screening is required where this Zone abuts any residential zone.

205.2. Permitted Uses

1. Single-family detached dwellings subject to the requirements listed in Section 204 of this Ordinance;
2. One dwelling unit in conjunction with another use permitted within this Zone;
3. Public and/or nonprofit parks and playgrounds;
4. Public uses and public utilities structures;
5. Banks and similar financial institutions;
6. Medical or dental clinics;
7. Offices;
8. Private schools;
9. Restaurants (but not including drive-thru or fast-food restaurants, taverns, nor nightclubs);
10. Retail sale and/or rental of goods (except adult-related uses) provided the total sales and/or display area is less than 2,000 square feet;
11. Retail services including: barber/beauty salons; tailors; shoe repair; music, dance, art, or photographic studios; and repair of clocks, jewelry, and small appliances;
12. Art or antique shops, museums, and libraries;
13. Boarding houses; and,
14. Delicatessens, bakers, and caterers.

(Note: The above section 205.2. was amended to delete Restaurants (but not including drive-thru or fast-food restaurants, taverns, nor nightclubs) as a permitted use on September 8, 2020, by Ordinance No. 2020-4.)

205.3. Special Exception Uses and Conditional Uses

1. The following uses shall be authorized as special exceptions subject to the requirements of Section 604.3:
 - A. Bed and Breakfasts (see Section 407).
 - B. Commercial day-care facilities (see Section 412).
 - C. Dry cleaners and laundry stations (drop off and pick up only) (see Section 416).
 - D. Funeral homes (see Section 418).

E. Restaurants, Taverns, Brewpubs and Wine Retail/Tasting (see Section 438).

(Note: The above section 205.3.1.E. was amended to add restaurants, brewpubs and Wine Retail/Tasting on September 8, 2020, by Ordinance No. 2020-4.)

F. Private clubs (see Section 433).

G. Home occupations (see Section 423).

H. Accessory dwelling units (see Section 446).

(Note: The above Section 205.3.1.H. was revised on September 9, 2003 by Ordinance 2003-4.)

2. The following use shall be authorized by conditional use approval subject to the requirements of Section 706:

A. Communications antenna mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings (see Section 444).

(Note: The above Section 205.3. was revised on April 10, 2001 by Ordinance 2001-1.)

205.4. Minimum Lot Area - Unless otherwise specified, there shall be no minimum lot area requirements in this Zone.

205.5. Number of Uses Permitted - Any number of the uses allowed in this Zone are permitted within each existing building, provided the building size and floor area remain the same as it was on the effective date of this Ordinance. For new buildings, only one principal use and a dwelling in accordance with Section 205.2.2. is permitted. For existing buildings that are enlarged, the number of uses permitted per building shall be the same number (at least one) that occupied the building on the effective date of this Ordinance.

205.6. Maximum Lot Coverage - Ninety percent (90%).

205.7. Minimum Lot Width - Forty-five (45) feet.

205.8. Minimum Setback Requirements - No required front, side, or rear yard setbacks apply, except where the use adjoins a residential zone. In such instances, all buildings, and structures shall be set back at least ten (10) feet from the residentially-zoned parcel. Similarly, off-street parking and/or loading facilities shall be set back at least five (5) feet from any adjoining residentially-zoned property, and shall include screening, as defined herein.

205.9. Maximum Permitted Height - Thirty-five (35) feet.

205.10. Outdoor Storage and Display - No outdoor storage is permitted; however, the outdoor display of products and goods available for purchase on the site is permitted, subject to the following findings by the Borough's Historic Architectural Review Board:

1. That all display items shall be located on the subject property (not the

- street right-of-way);
2. That all display items shall be stored within an enclosed building when the use is not open for public access;
 3. That no signs shall be part of the display; and,
 4. That the items displayed will be limited to a size, number, color, location, and general appearance that will not create a cluttered appearance, nor detract from the Zone's historic character.
- 205.11. Off-Street Loading** - Off-street loading shall be provided as specified in Section 311 of this Ordinance. All off-street loading shall be located in the rear yard.
- 205.12. Off-Street Parking** - Off-street parking shall be provided as specified in Section 310 of this Ordinance. All off-street parking shall be located in the rear yard.
- 205.13. Signs** - Signs shall be permitted as specified in Section 313 of this Ordinance.
- 205.14. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings and access drives serving other uses shall be in accordance with Section 309 of this Ordinance.
- 205.15. Landscaping** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 312).
- 205.16. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be set back a minimum of twenty-five (25) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.
- 205.17.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 205.18. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 205.19.** All exterior construction, addition, and improvement work is subject to review by the Borough's Historic Architectural Review Board.

SECTION 206 HIGHWAY COMMERCIAL ZONE (C-2)

206.1. Purpose - This Zone provides suitable locations for larger-scale and/or highway-oriented retail, service, and entertainment businesses. The uses typically involve outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents as well as those motorists passing through the Borough. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon outdoor storage areas to protect adjoining properties.

206.2. Permitted Uses

1. Offices;
2. Banks and similar financial institutions;
3. Retail sale of goods and services (including auto parts stores, without installation, but excluding adult-related uses);
4. Hotels and motels;
- (Note: The above Section 206.2.5. was amended on May 14, 2019, by Ordinance No. 2019-1.)*
5. Automobile, boat, farm machinery and trailer sales (including service or repair facilities as an accessory use if conducted within a wholly-enclosed building);
6. Theaters and auditoriums;
7. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinetmaking, and other structural components of buildings;
8. Public uses and utilities;
9. Private schools (excluding vocational and mechanical trade schools);
10. Dry cleaners, laundries, and laundromats;
11. Churches and related uses;
12. Medical or dental clinics;
13. Indoor movie theaters or bowling alleys;
14. Private clubs;
15. Recycling collection facilities, as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet;
16. Parking compounds;
17. Agricultural uses, **excluding** the housing of livestock, poultry and/or other farm animals; and,
18. Accessory uses customarily incidental to the above permitted uses.

(Note: The above Section 206.2. was amended to delete Restaurants and Taverns as a permitted use on September 8, 2020, by Ordinance No. 2020-4.)

206.3. Special Exception Uses (Subject to the procedures presented in Section

604.3. of this Ordinance.)

1. Amusement arcades (see Section 403);
2. Automobile filling stations, including minor incidental repair (see Section 404);
3. Automobile service and repair facilities, including but not limited to auto mechanics, drive-thru lubrication services and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops (see Section 405);
4. Car washes (see Section 410);
5. Commercial day-care facilities (see Section 412);
6. Funeral homes and crematoriums (see Section 418);
7. Home improvement stores (see Section 422);
8. Hospitals (see Section 424);
9. Mini-warehouses (see Section 426);
10. Accessory dwelling units (see Section 446);

(Note: The above Section 206.3.10. was revised on September 9, 2003 by Ordinance 2003-4.)

11. Restaurants, taverns, brewpubs and wine retail/tasting (see Section 438);
and,

(Note: The above Section 206.3.11. was added on September 8, 2020 by Ordinance 2020-4.)

12. Medical marijuana dispensary (see Section 449).

(Note: The above Section 206.3.12. was added on September 8, 2020 by Ordinance 2020-4.)

206.4. Conditional Uses (Subject to the procedures presented in Section 706 of this Ordinance.)

1. Adult-related uses (see Section 402);
2. Commercial recreation facilities (see Section 413);
3. Drive-thru and/or fast food restaurants (see Section 415);
4. Health and recreational clubs (see Section 419);
5. Nightclubs (see Section 429); and,
6. Shopping centers involving any use permitted in this Zone (see Section 436).

206.5. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
15,000 sq. ft.	100 ft.	60%

206.6. Minimum Setback Requirements (Principal and Accessory Uses)

1. Front yard setback - All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five (35) feet from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of twenty (20) feet from the street right-of-way;

2. Side yard setback - All buildings and structures (except permitted signs) shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line; and,
4. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen, as regulated in Section 312 of this Ordinance.

206.7. Maximum Permitted Height - Thirty-five (35) feet.

206.8. Off-Street Loading - Off-street loading shall be provided as specified in Section 311 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.

206.9. Off-Street Parking - Off-street parking shall be provided as specified in Section 310 of this Ordinance.

206.10. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

206.11. Access Drive Requirements - All access drives shall be in accordance with Section 309 of this Ordinance.

206.12. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed (see Section 312 of this Ordinance).

206.13. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 312 of this Ordinance).

A minimum fifteen (15) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

206.14. Waste Products - Dumpsters may be permitted within the side or rear yard,

provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.

206.15. All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.

206.16. **Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

206.17. **Outdoor Storage** - Within the (C-2) Zone, outdoor storage is permitted (except as prohibited in Article 4) provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. Outdoor sales areas need not be screened from adjoining roads.

SECTION 207 RESTRICTED COMMERCIAL ZONE (C-3)

- 207.1. Purpose** - This Zone is intended to provide a distinct location for tourism commercial activities that are related to, and protect, the general historic character of the Borough and to provide, subject to the regulations and requirements of Section 447 of this Ordinance, Active Adult Communities that, through architectural and documentation controls and requirements complement the character of the Borough.

(Note: The above section was amended on June 14, 2005, by Ordinance No. 2005-4.)

207.2. Permitted Uses

1. Agriculture, excluding the housing of livestock, poultry or other farm animals;
2. Offices;
3. Banks and similar financial institutions;
4. Indoor commercial recreation facilities **excluding** bowling alleys, skating rinks, and amusement arcades;
5. Art or antique galleries, museums, libraries, exhibition halls, or other similar uses;
6. Hotels and motels;

(Note: The above Section 207.2.7. was amended on May 14, 2019, by Ordinance No. 2019-1.)

7. Retail sale of goods such as, but not limited to, antiques, apothecaries, beverages, books, clothing, confections, dry goods, flowers, food, furniture, gifts, hardware, historic appliances, jewelry, newspapers, notions, personal and households supplies, photographic supplies, sporting goods, stationery, and tobacco, **excluding** adult-related uses;
8. Craft shops for displaying historic manufacturing techniques for goods such as, but not limited to, books, clothing, confections, dry goods, farming implements, food, furniture, historic appliances and artifacts, jewelry, newspapers, notions, personal and household supplies, and tobacco products;
9. Public and/or nonprofit parks and playgrounds;
10. Public uses and public utilities structures;
11. Churches and related uses; and,
12. Accessory uses customarily incidental to the above permitted uses.

(Note: The above section 207.2. was amended to delete Restaurants and Taverns as a permitted use on September 8, 2020, by Ordinance No. 2020-4.)

207.3. Special Exceptions (Subject to the review procedures in Section 604.3. of this Ordinance)

1. Nursing, rest or retirement homes (see Section 430);
2. Accessory dwelling units (see Section 446); and,
3. Restaurants, Taverns, Brewpubs and Wine Retail/Tasting (see Section 438).

(Note: The above Section 207.3.3. was added on September 8, 2020 by Ordinance 2020-4.)

207.4. Conditional Uses (Subject to the review procedures in Section 706 of this Ordinance)

1. Shopping centers involving any use permitted within this Zone (see Section 436);
2. Outdoor theater productions, **excluding** drive-in movie theaters (see Section 432); and,
3. Active Adult Communities (see Section 447).

(Note: The above section was added on June 14, 2005, by Ordinance No. 2005-4.)

207.5. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
10,000 sq. ft.	80 ft.	60%

207.6 Minimum Setback Requirements (Principal and Accessory Uses)

1. Front yard setback - All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least twenty-five (25) feet from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of ten (10) feet from the street right-of-way;
2. Side yard setback - All buildings and structures (except permitted signs) shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line; and,
4. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.

207.7. Maximum Permitted Height - Thirty-five (35) feet.

207.8. Off-Street Loading - Off-street loading shall be provided as specified in Section 311 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.

- 207.9. Off-Street Parking** - Off-street parking shall be provided as specified in Section 310 of this Ordinance.
- 207.10. Signs** - Signs shall be permitted as specified in Section 313 of this Ordinance.
- 207.11. Access Drive Requirements** - All access drives shall be in accordance with Section 309 of this Ordinance.
- 207.12. Screening** - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed (see Section 312 of this Ordinance).
- 207.13. Landscaping** - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 312 of this Ordinance).
- A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- 207.14. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.
- 207.15.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 207.16. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 207.17. Outdoor Storage** - Within the (C-3) Zone, outdoor storage is prohibited.

SECTION 208 INDUSTRIAL ZONE (I)

208.1. Purpose - This Zone provides for a wide range of industrial activities that contribute to the well-being of the Borough by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. Essentially, this Zone provides for smaller light industrial uses as permitted by right, but requires obtainment of a conditional use for heavier and more potentially, more objectionable types of industrial uses. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

208.2. Permitted Uses - Uses permitted within this Zone include the following, provided the total lot area devoted to such use does not exceed two (2) acres. Any of the following uses that require more than two acres of lot area shall be regulated as conditional uses according to Section 208.3. of this Ordinance.

1. Laboratories for medical, scientific, or industrial research and development;
2. Manufacturing, packaging, storage, and/or wholesaling of the following:
 - A. Furniture, cabinets, fixtures, office supplies, and other household appointments;
 - B. Scientific, specialized, and technical instruments and equipment;
 - C. Audio-visual components, computers, vending machines, electronic equipment, and video games;
 - D. Finished textile products;
 - E. Brushes, brooms, combs;
 - F. Hot tubs, spas, saunas, and swimming pools;
 - G. Jewelry and other precious metals;
 - H. Photographic, lighting, and timekeeping equipment;
 - I. Small household appliances, **excluding** major appliances;
 - J. Musical instruments and sporting equipment;
 - K. Cosmetics, toiletries, and pharmaceuticals;
 - L. Optical, dental, and medical supplies and equipment; and,
 - M. Small or novelty products from prepared materials (excluding the use of sheet metals).
3. Processing, packaging, storage, and/or wholesaling of food products, **excluding**:
 - A. Breweries, microbreweries and distilleries;
(Note: The above Section 208.2.3.A. was amended to add microbreweries on September 8, 2020 by Ordinance 2020-4.)
 - B. Pickling processes;
 - C. Rendering or slaughtering operations; and,
 - D. Sugar refineries.

4. Sales, storage, and/or wholesaling of the following:
 - A. Home and auto-related fuels;
 - B. Nursery and garden materials and stock;
 - C. Contractor supplies; and,
 - D. Plumbing, heating, air conditioning, electrical, and structural components of buildings.
5. Bookbinding, printing, and publishing;
6. Machine shop;
7. Repair shops for products permitted to be manufactured in this Zone;
8. Small engine repair shops;
9. Welding shops;
10. Sign-makers;
11. Offices;
12. Public buildings and public utilities;
13. Agricultural support businesses, including:
 - A. Facilities for the commercial processing and warehousing of agricultural products;
 - B. Facilities for the warehousing, sales, and service of agricultural equipment, vehicles, feed, or supplies;
 - C. Commercial stockyards or feedlots; and,
 - D. Veterinary offices, animal hospitals, or kennels.
14. Vocational and mechanical trade schools;
15. Home improvement stores;
16. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than 300 square feet; and,
17. Accessory uses customarily incidental to the above permitted uses.

208.3. Special Exception Uses and Conditional Uses

1. The following uses shall be authorized as special exceptions subject to the requirements of Section 604.3:
 - A. Communications antenna mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings (see Section 444).
 - B. Communications tower and communications equipment buildings (see Section 445).
 - C. Medical marijuana grower/processor (See Section 448).

(Note: The above Section 208.3.1.C. was added on September 8, 2020 by Ordinance 2020-4.)

2. The following uses shall be authorized by conditional use approval subject to the requirements of Section 706:

- A. Any of the uses permitted in the preceding Section 208.2 that contain more than two acres in total lot area (see Section 421).
- B. Heavy industrial uses involving processing, packaging, production, repair, or testing of materials, goods, and products, including those industries performing conversion, assembly, or non-toxic chemical operations (see Section 421).
- C. Breweries, microbreweries and distilleries, pickling food processes, rendering and/or slaughtering operations, and sugar refineries (see Section 442).

(Note: The above Section 208.3.2.C. was amended to add microbreweries on September 8, 2020 by Ordinance 2020-4.)

- D. Warehousing and wholesale trade establishments (see Section 442).
- E. Heavy equipment sales, service, and repair, such as excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers, and other similar machinery (see Section 420).
- F. Junk yards (see Section 425).
- G. Billboards (see Section 408).
- H. Truck or motor freight terminals (see Section 439).
- I. Recycling stations for paper, glass, and metal products (see Section 435).

(Note: The above Section 205.3. was revised on April 10, 2001 by Ordinance 2001-1.)

208.4. Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of twenty thousand (20,000) square feet.

208.5. Minimum Lot Width - One hundred (100) feet.

208.6. Maximum Lot Coverage - Seventy percent (70%).

208.7. Minimum Setback Requirements (Principal and Accessory Uses)

- 1. Front yard setback - All buildings, structures (except permitted signs), off-street loading areas, dumpsters, and outdoor storage areas shall be set back at least thirty-five (35) feet from the adjoining right-of-way. All parking lots shall be set back at least twenty (20) feet from any adjoining right-of-way;
- 2. Side yard setbacks - All buildings, structures (except permitted signs), dumpsters, and off-street loading areas, outdoor storage areas, and off-street parking lots shall be set back at least twenty (20) feet from any side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities;
- 3. Rear yard setback - All buildings, structures, dumpsters, and off-street

loading areas shall be set back at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from any rear lot lines;

4. **Residential buffer strip** - Any use involving up to one acre of lot coverage and adjoining land within a Residential Zone, or across a road from land within a Residential Zone, shall maintain a fifty (50) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading and parking areas from the Residential Zone. All of these setback areas shall be devoted to landscaping (see Section 312).

Any use with lot coverage exceeding one acre adjoining land within a Residential Zone, or across a road from land within a Residential Zone, shall maintain a one hundred (100) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading and parking areas from the Residential Zone. All of these setback areas shall be devoted to landscaping (see Section 312); and,

5. **Accessory recreation uses** - These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.

208.8. Maximum Permitted Structural Height - The height of any principal or accessory structure shall not exceed thirty-five (35) feet. All structures (except permitted signs) shall be set back a distance at least equal to their height from all property lines.

208.9. Off-Street Loading - Off-street loading shall be provided as specified in Section 311 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.

208.10. Off-Street Parking - Off-street parking shall be provided as specified in Section 310 of this Ordinance.

208.11. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

208.12. Access Drive Requirements - All access drives shall be in accordance with Section 309 of this Ordinance.

208.13. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed (see Section 312 of this Ordinance).

208.14. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see

Section 312 of this Ordinance).

A minimum twenty (20) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

- 208.15. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed.
- 208.16.** All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- 208.17. Industrial Operations Standards** - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 208.18. Outdoor Storage** - Within the (I) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section.

SECTION 209 RECREATION ZONE (REC)

- 209.1. Purpose** - The primary purpose of this zone is to encourage the continued recreational use of various locations within the Borough. These areas have evolved into both public and private recreation/open space amenities which are providing valuable benefits to the Borough's residents.
- 209.2. Permitted Uses**
1. Public and/or non profit parks and playgrounds;
 2. Public and/or nonprofit activities related to the preservation of natural, archaeological, or historical resources;
 3. Public and/or nonprofit swimming pools;
 4. Public uses and public utilities structures;
 5. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet;
 6. Agricultural uses, excluding the housing of livestock, poultry and/or other farm animals; and,
 7. Accessory uses customarily incidental to the above permitted uses.
- 209.3. Conditional Uses** (Subject to the procedures listed in Section 706 of this Ordinance)
1. Commercial recreation facilities (see Section 413).
- 209.4. Lot Area, Width, and Depth Requirements** - Unless otherwise specified, no lot area, lot width, nor lot depth requirements shall apply.
- 209.5. Minimum Setback Requirements** - All buildings and structures shall be set back at least twenty-five (25) feet from each property line.
- 209.6. Maximum Permitted Height** - Thirty-five (35) feet.
- 209.7.** All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3 of this Ordinance.

SECTION 210 COMMERCIAL OFFICE ZONE (CO)

210.1. Purpose - The purpose of this Zone is to authorize low-impact offices, a center for governmental, public and cultural uses, and day-care facilities which will have minimal impact upon adjoining uses and properties. Single-family detached dwellings are also permitted in recognition of existing land uses in this Zone. The scope of the uses permitted within the Zone has been chosen to foster the purpose and intent set forth herein. Design standards have been imposed to keep the uses in this Zone compatible with nearby properties.

210.2. Permitted Uses

1. Offices not exceeding 4,000 square feet of gross floor area and not involving the sale of products or services to the general public;
2. Commercial day-care facilities;
3. Public uses;
4. Galleries and facilities for the display of arts and crafts, and teaching of arts and crafts;
5. Single-family detached dwellings;
6. Municipal uses; and,
7. Accessory uses customarily incidental to the above permitted uses.

210.3. Special Exception Uses (See Section 604.3.)

1. Family day-care facilities (see Section 417);
2. Home occupations (see Section 423); and,
3. Accessory dwelling units (see Section 446).

(Note: The above Section 210.3.3. was revised on September 9, 2003 by Ordinance 2003-4.)

210.4. Conditional Uses (See Section 706)

1. Primary care medical practices (see Section 443).

210.5. Lot Area, Width, and Depth Requirements - Unless requirements are set forth in Article 4, see the following table:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Single-Family Detached Dwelling	12,000 sq. ft.	90 ft. at street line and 100 ft. at building setback line	355
Offices	12,000 sq. ft.	100 ft.	60%
Municipal Uses	None	None	None
All Other Uses	7,500 sq. ft.	75 ft.	65%

210.6. Minimum Setback Requirements (Principal and Accessory Uses) - Unless other requirements are set forth in Article 4, all uses other than

Municipal Uses shall comply with the following:

1. Front yard setback - All buildings, structures (except permitted signs) and outdoor loading areas shall be set back at least twenty-five (25) feet from the street right-of-way. Off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way;
2. Side yard setbacks - All buildings and structures shall be set back at least fifteen (15) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be eliminated solely for parking and/or loading facilities; and,
3. Rear yard setback - All buildings, structures, off-street parking lots, and loading areas shall be set back at least twenty-five (25) feet from the rear lot line.

210.7. Maximum Permitted Height - Thirty-five (35) feet.

210.8. Off-Street Loading - Off-street loading shall be provided as specified in Section 311 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, an existing single-family detached dwelling, or any side of a building facing an adjoining street.

210.9. Off-Street Parking - Off-street parking shall be provided as specified in Section 310 of this Ordinance.

210.10. Signs - Signs shall be permitted as specified in Section 313 of this Ordinance.

210.11. Driveway and Access Drive Requirements - All driveways serving single-family dwellings and all access drives shall be in accordance with Section 309 of this Ordinance.

210.12. Additional Regulations - All uses permitted within this Zone shall also comply with the applicable General Provisions contained in Article 3 of this Ordinance.

(Note: The above Section 210, Commercial Office Zone (CO), was added on May 11, 1999, by Ordinance No. 1999-3.)

SECTION 211 GATEWAY NORTH OVERLAY ZONE (GN)

211.1 **Purpose.** The primary purpose of the GN Zone is to provide the northern entrance to the Borough with:

211.1.1 A sense of arrival and connection to the Borough;

211.1.2 A traditional village-type development pattern that reflects a pedestrian-friendly orientation of the Borough;

211.1.3 Architectural features that reflect early German, Georgian or Federal vernacular of the Borough's historic district. This is exemplified in recent construction within the GN Zone;

211.1.4 A favorable impression of the community; and

211.1.5 An enhanced tax base.

211.2 **Type of Zone.**

211.2.1 The GN Zone shall be deemed an overlay for all underlining Zones now or hereafter applicable to any property located within the GN Zone.

211.2.2 The GN Zone may be elected by the applicant only when the property being developed is undeveloped at the time of application or the principal structure on the property will be replaced in its entirety.

(Note: The above Section 211.2.2. was amended on September 8, 2020 by Ordinance 2020-4.)

211.2.3 Subject to Section 211.2.2, property located within the GN Zone may be developed according to either the provisions of the underlying Zone or the provisions of the GN Zone.

(Note: The above Section 211.2.3. was amended on September 8, 2020 by Ordinance 2020-4.)

211.2.4 The GN Zone establishes standards by which the Borough provides a wider range of land uses and greater land use intensity in exchange for the landowner's voluntarily accepting and agreeing to comply with the standards of the GN Zone. The applicant must agree to comply with the standards of the GN Zone in order to obtain the benefits to be derived from the GN Zone.

211.2.5 It is the intent of Borough Council that the design standards and sign regulations required by the GN Zone are essential to and inseparably connected with the remainder of the GN Zone and that the GN Zone would not have been created without provisions contained herein

relating to design standards and signs.

- 211.2.6. When the landowner elects to apply the GN Zone and the provisions of the GN Zone conflict with the underlying Zone and other provisions of the Zoning Ordinance, the provisions of GN Zone shall apply.

211.3 Permitted Uses.

- 211.3.1 Agriculture, excluding the housing of livestock, poultry, or other farm animals.
- 211.3.2 Art studio.
- 211.3.3 Automated teller machine (ATM) when provided as a component a building that houses a permitted use or as a walk-up facility located within a pedestrian courtyard.
- 211.3.4 Bed and breakfast inn.
- 211.3.5 Business and professional office, including but not limited to bank, insurance agency, travel agency, real estate agency.
- 211.3.6 Church and related uses.
- 211.3.7 Commercial day-care facility for minors or adults, provided:
- 211.3.7.1 Passenger “drop-off” and “pick-up” areas are provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site; and
- 211.3.7.2 The facility obtains and maintains proper licensure from the Commonwealth of Pennsylvania.
- 211.3.8 Commercial recreation facility conducted within a completely-enclosed building.
- 211.3.9 Convenience store with or without fuel service, provided:
- 211.3.9.1 The use is located east of North Decatur Street;
- 211.3.9.2 Whenever feasible, vehicle access is shared with adjoining uses to minimize curb cuts and enhance pedestrian and vehicular circulation;
- 211.3.9.3 Cross traffic conflicts within parking area are minimized;
- 211.3.9.4 Whenever feasible, fueling areas, storage areas, and refuse enclosures are oriented away from public street view or screened from public view;

- 211.3.9.5 The outdoor display of sale items is screened from public streets view;
- 211.3.9.6 No more than six (6) dual-sided fuel pump dispensers are provided;
- 211.3.9.7 Fuel pump dispensers are protected by curb or bollard and consolidated to minimize visual clutter; and
- 211.3.9.8 Fuel tank vents are integral part of a building design in terms of form, color, and texture.
- 211.3.10 Craft shop for display of historic manufacturing techniques for goods such as, but not limited to, books, clothing, dry goods, farming implements, food, furniture, historic appliances and artifacts, jewelry, newspapers, notions, personal and household supplies, and tobacco products.
- 211.3.11 Drive-thru facilities, in compliance with Section 211.7.4.2, for uses permitted within this Zone.
- 211.3.12 Exercise gym, yoga studio, dance studio, and martial arts studio.
- 211.3.13 Grocery with a maximum building footprint of sixty-five thousand (65,000) square feet.
- 211.3.14 Hotel, motel and similar lodging.
- 211.3.15 Indoor self storage facility, provided all storage units are located inside a building that complies with Section 211.7 Architectural Standards and vehicle access to storage units is through a shared building entrance. Outdoor mini-storage units (i.e., individual exterior drive-up access to storage units) are not permitted.
- 211.3.16 Medical, dental, optical and counseling clinics and offices.
- 211.3.17 Personal service shops such as, but not limited to, barbershop, beauty parlor, cobbler, millinery, dry cleaner, laundromat, seamstress, spa, tailor and upholstery shop.
- 211.3.18 Public use and public utility structure.
- 211.3.19
(Note: The above Section 211.3.19. was deleted on September 8, 2020 by Ordinance 2020-4.)
- 2.11.3.20 Retail sale/loan of dry goods, books, variety and general merchandise, clothing, food, flowers, beverages (but not including wine), drugs, household supplies or furnishings, antiques, art

galleries and picture framing, sale or repair of jewelry, watches, clocks, optical goods, musical, professional or scientific products, small-scale hardware, and any other use of the same general character, excluding adult-related uses.

(Note: The above Section 2011.3.20. was amended on September 8, 2020 by Ordinance 2020-4.)

211.3.21 Shopping center involving any use permitted within this Zone.

211.3.22 Theater and auditorium.

211.3.23 Veterinary offices provided there are no outdoor kennels.

211.3.24 Accessory uses customarily incidental to the above permitted uses.

211.4 Lot Area, Lot Width, Yard, Building Height and Lot Coverage.

Minimum Lot Area	Ten thousand (10,000) square feet
Maximum Impervious Coverage	Eighty five percent (85%)
Maximum Building Height	Three (3) stories, up to forty five feet (45')
Lot Width	None
Maximum Gross Floor Area	None

211.5 Building Setback.

211.5.1 Building setback and building separation exclusively subject to applicable building and fire protection codes.

211.5.2 When possible, buildings shall be located at the edge of sidewalks, street rights-of-way, or access drive cartways to form an urban streetscape.

211.5.3 Buildings located along the street frontage shall not maintain identical setbacks or be in repetitive setback arrangement.

211.5.4 Buildings that are situated adjacent to an existing principal building shall be setback a distance that is complementary to the setback of the existing building.

211.6 Building Footprint. With the exception of a grocery store, building footprints (ground-level) shall not exceed twenty-five thousand (25,000) square feet.

211.7 Architectural Standards.

211.7.1 Building facades shall:

211.7.1.1 Be architecturally compatible with the style, materials, colors, and details of early German, Georgian or Federal vernacular of the Borough's historic district. This is exemplified in recent construction within the GN Zone.

211.7.1.2 Reflect the dominant existing or planned character of the surrounding neighborhood. This can be accomplished through the use of similar style, materials, colors, or detailing.

211.7.2 Building facades, including bands, that express corporate identity shall incorporate the corporate identity into the overall architecture of the building in a manner that respects the early German, Georgian and Federal vernacular of the Borough's historic district. This is exemplified in recent construction within the GN Zone.

211.7.3 Building facades that are adjacent to a public street shall contain architectural features which are or emulate window space and doors. Such facade treatment does not need to include glass windows or doors. Care shall be taken to not misdirect the public with regard to building entrances. Appropriate signage shall be used to direct entrance to the building when it is not located along the public street. Such wayfinding signs shall not be included in the calculation for the maximum permitted site signage.

211.7.4 Buildings may have awnings, canopies, and porches subject to the following:

211.7.4.1 Awnings and canopies, except for drive-thru canopies, shall extend no less than two feet (2') or more than twelve feet (12') from the facade of the building. Ground-floor awnings and canopies shall not exceed a height of fifteen feet (15') above the ground surface.

211.7.4.2 Drive-thru canopies shall comply with the following:

- A. Architectural style is integrated with other on-site structures using similar colors, materials and architectural detailing
- B. Overall height does not exceed seventeen feet (17');

- C. Clearance height is a minimum of thirteen feet-nine inches (13' 9"), measured from the finished grade to the lowest point on the canopy fascia;
- D. Clearance height is signed or provided with a headache bar;
- E. Ceiling is textured or has a flat finish;
- F. Lighting maintains an average horizontal luminance at grade (directly under the canopy) that conforms to IESNA recommended practices;
- G. Fascia is twelve inches (12") below the lens of the light fixture to block the direct view of the light sources and lenses
- H. Fascia finish is not internally illuminated; and
- I. Light fixtures are not mounted on the top of the canopy.

211.7.5 Primary building entrances shall contain not less than twenty percent (20%) windows or doors and incorporate arcades, roofs, porches, alcoves, and/or awnings that protect pedestrians from the sun and rain.

211.7.6 To the extent possible, windows shall be vertically proportioned and vertically aligned with the location of windows and doors on the ground level.

211.7.7 Bulk and volume of walls shall be de-emphasized to enhance visual quality and contribute to the human scale of development. Blank walls shall be articulated by two or more of the following:

211.7.7.1 Details in masonry courses;

211.7.7.2 Window and door openings, emulate window and door openings; and/or

211.7.7.3 Recesses and projections at intervals no greater than fifty feet (50').

211.7.8 The roofs of buildings shall be designed with either overhang eaves or cornices extending a minimum of six inches (6") beyond the building wall for gable roofs and twelve inches (12") beyond the building wall, for all other roof types.

211.7.9 Whenever feasible, roofs lines shall varied ridge heights

- 211.7.10 Whenever feasible, dormers, chimneys, and cupolas shall be incorporated into the roof design.
- 211.7.11 Roof-top mechanical equipment, including satellite antennas, shall be screened visually and acoustically from street view. Such screening shall be integral to the architectural design of the building.
- 211.7.12 Existing buildings with nonconforming architecture may be retained as nonconformity structures.

211.8 Utilities.

- 211.8.1 All uses shall be served by public water and public sewer facilities.
- 211.8.2 All utility service lines shall be placed underground from the edge of the right-of-way to the place of service.

211.9 Vehicular Circulation.

- 211.9.1 Whenever feasible:
 - 211.9.1.1 The vehicle circulation pattern shall be coordinated between uses to gain parking efficiencies, reduce the overall number of parking spaces, reduce the number of interior access points, and improve the overall vehicular circulation pattern.
 - 211.9.1.2 Whenever feasible, drive-thru windows shall be located on the side of the building which does not adjoin a public street.
- 211.9.2 Drive-thru windows that are located on the street side of a building shall be screened from street side view with dense landscaping and/or architectural treatments.
- 211.9.3 Cross traffic conflicts with drive-thru window lanes, access drives, and parking areas shall be minimized.

211.10 Parking and Loading Requirements.

- 211.10.1 The following minimum number of parking spaces shall be provided:

USE	MINIMUM PARKING SPACES
Church, theater, auditorium and related uses	.25 per person based on maximum building capacity
Commercial day-care facility	0.17 per licensed enrollment capacity
Commercial recreation facility, exercise gym, yoga studio and martial arts studio	7 per 1,000 square foot of gross floor area
Convenience store	13 per 1,000 square foot of gross floor area
Grocery	6 per 1,000 square foot of gross floor area
Hotel, motel or similar lodging	1.06 per guest sleeping room plus, 10 per 1,000 square feet of gross floor area for lounge/restaurant/conference/ banquet room
Indoor self storage facility	1 per 5,000 square feet of gross floor area
Restaurant or similar establishments serving food and beverage	15 per 1,000 square feet of gross floor area
Retail sales, craft shop	5 per 1,000 square feet of gross floor area
Medical/dental office, veterinary office, business and professional office, and personal service shop	4 per 1,000 square feet of gross floor area
Shopping Center	4 per 1,000 square feet of gross floor area

211.10.2 Where joint parking facilities are proposed, except when part of a shopping center, the total number of parking spaces required by Section 211.10.1 may be reduced by a maximum of twenty percent (20%), provided such parking spaces are appropriately distributed to provide convenient walking distance between the vehicle and each use.

211.10.3 The loading areas shall not encroach into vehicle or pedestrian circulation areas and the number of loading area provided be based on the typical demand of the land use.

211.10.4 Parking spaces that are:

211.10.4.1 Parallel to the travel lanes shall be a minimum of twenty-two feet (22') by eight feet (8').

211.10.4.2 Not parallel to the travel lanes shall be a minimum of eighteen feet (18') by eight feet (8').

211.10.5 Parking spaces for handicapped persons shall be provided, in accordance with ADA laws and regulations.

211.10.6 Travel lanes between rows of parking spaces and loading areas shall have the minimum widths indicated in the following table:

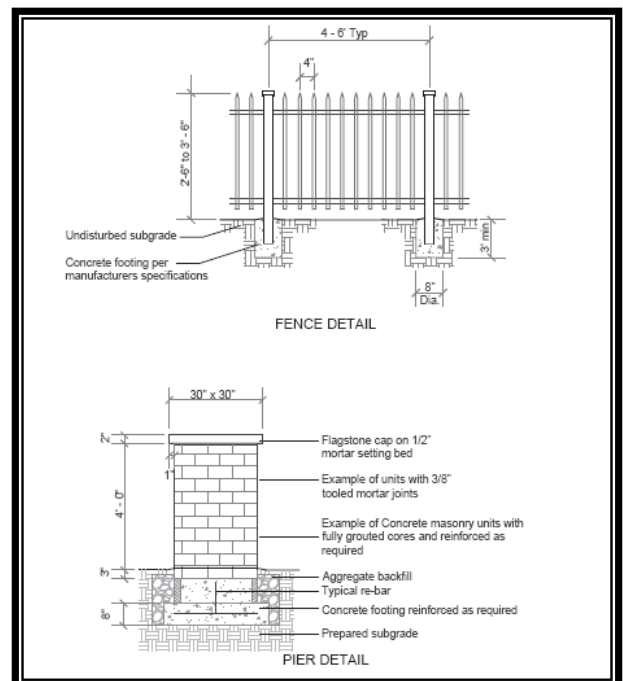
Angle of Parking	Travel Lane - One-Way	Travel Lane - Two-Way
90 Degrees	20 feet	20 feet
60 Degrees	14½ feet	20 feet
45 Degrees	13 feet	18 feet
Parallel	11 feet	22 feet

211.10.7 Interior travel lanes with no parking shall be at least eleven feet (11') wide for each travel lane.

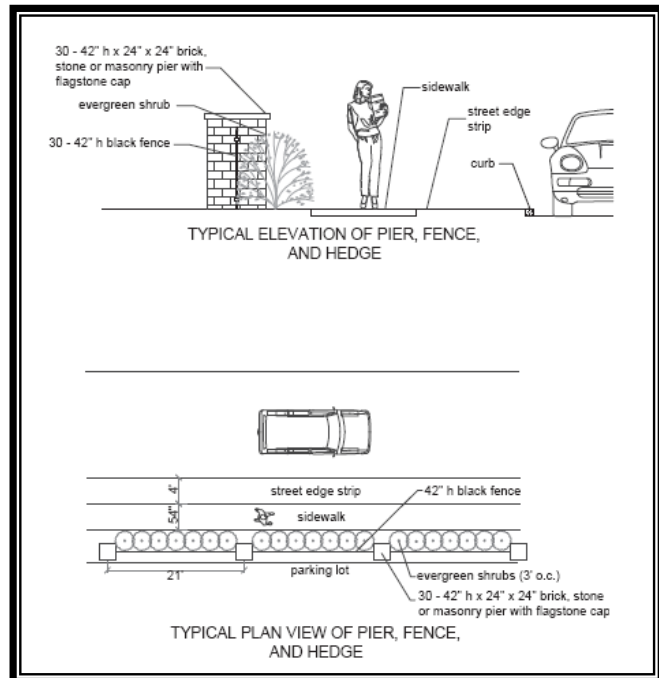
211.10.8 All dead-end parking lots shall be designed to provide sufficient backup area for all end spaces.

211.11 Landscape Planting for Surface Parking Lot.

211.11.1 Forty percent (40%) of the length of off-street surface parking lots that adjoin a street shall be screened from the street by any combination of a three and one-half foot (3½') high masonry wall, fence or earthen berms with landscape material. Beside and below are illustrative examples of pier, fence, and hedge screening.



211.11.2 Off-street surface parking lots that contain twenty (20) or more parking spaces shall provide a parking lot landscape planting area of five (5) square feet per parking space.



211.11.3 When of the required amount of dispersed landscape islands planting encumber the parking lot and traffic circulation functions, up to fifty percent (50%) of the required landscape planting area may be consolidated planting of large stands of trees to break up the scale of the parking lot, enhance an entrance or enhance the perimeter of the parking lot.

211.11.4 Required landscaping may be used to define sidewalk areas, parking areas, pedestrian areas, and travel lanes.

211.11.5 Ground cover alone is not sufficient interior landscaping. Trees, shrubs or other approved material shall be provided. At least one (1) shade tree shall be provided for each eight hundred (800) square feet, or fraction, of required landscape area in the parking lot. These shade trees may be located within and along the perimeter of the parking lot.

211.11.6 Deciduous trees shall have a clear trunk at least five feet (5') above finished grade.

211.11.7 Evergreen trees shall have a minimum height of six feet (6'). Evergreen trees shall be considered only for perimeter planting for parking lots.

211.11.8 Wheel stops or curbing shall be provided to insure no greater than a two and one-half foot (2½') overhang into the interior landscaped area.

211.12 Trash Receptacles and Dumpsters. Trash receptacles and dumpsters shall be screened from street view with dense landscaping and/or architectural treatments such as fences, plant material, or other appropriate screening measures.

211.13 Exterior Lighting.

211.13.1 The exterior lighting plan shall conform to the recommended luminance level guidelines and uniformity ratios established by the Illumination Engineering Society of North America (IESNA) in the most current IESNA Recommended Practice or Design Guide.

211.13.2 Direct and reflected glare and excess site brightness shall be minimized.

211.13.3 The maximum horizontal luminance at grade and the maximum vertical luminance at five feet (5') above grade shall not exceed IESNA recommended practice for light trespass.

211.13.4 Exterior site lighting shall be designed to prevent glare onto adjacent properties or streets.

211.13.5 The light fixtures shall be, or similar likeness, style and character to Hanover, Charleston, #1230-BP-BKL-175MH fixture and light post 314-11 BLK-11 post.



211.14 Type of Permitted Signs.

211.14.1 Building-Mounted Sign.

Building-mounted signs are signs that are applied or attached to a building. Building-mounted signs include wall, marquee, awning, canopy, projecting, and parapet signs.

211.14.2 Projecting Sign.

Projecting signs are mounted to the face of the building perpendicular to the face of the building.

211.14.3 Free-Standing Sign.

Free-standing signs include pylon, monument and pole signs. Pylon signs have a visible support structure composed of a pole cover or pylon cover. Monument signs are ground-mounted signs with a low overall height. Pole signs have a visible support

structure of one or more poles that are not encased or enclosed by a cover.

211.14.4 Banner Sign.

Banner signs are a pennant, streamer, flag, sign, picture, figure, or other object which is suspended or otherwise displayed over any street, access drive or sidewalk, designed for decoration or advertisement, or to attract the attention of passersby, except for official public warning devices.

211.14.5 Temporary Sign.

Temporary signs are limited to display on four (4) nonconsecutive fifteen-day (15) periods per calendar year

211.15 Sign Area Calculations. A sign shall be measured by the smallest regular geometric shape not exceeding eight (8) sides encompassing all words and/or symbols composing the sign, including any frame background or trim.

211.16 Maximum Building-Mounted Sign Area. The total permitted building-mounted sign area for each tenant shall not exceed one and one-half (1½) square feet for each linear foot of building wall that has tenant display windows or a public entrance, to a maximum sign area of one hundred eighty (180) square feet. The total allowable sign area may be a combination of building-mounted sign types.

211.17 Wall Mounted Sign.

211.17.1 Wall sign is attached or painted on the wall of a building.

211.17.2 Wall signs shall not obscure windows or ornamental features of the building.

211.17.3 Sign bands shall, when provided, be designed into the facade of the building and be compatible with the design architecture.

211.17.4 Wall signs shall be mounted flush and fixed securely to a building wall, projecting no more than twelve (12) inches from the face of the wall, and not extending sideways from the building face or above the roof line of the building.

211.18 Marquee Sign.

- 211.18.1 Marquee signs are signs that are fabricated as a permanent roof-like structure at the entrance to a building, which projects beyond the building or extends along and projects beyond the wall of the building.
- 211.18.2 Marquee signs are included in the calculation of the maximum permitted sign area.
- 211.18.3 A tenant may have one (1) marquee sign.

211.19 Awning and Canopy Sign.

- 211.19.1 Awning and canopy signs are printed on, or attached to, an awning or canopy typically above a door or window.
- 211.19.2 Awning and canopy signs are included in the calculation of sign area.
- 211.19.3 Awning and canopy signs shall be mounted on the building in such a way that they project over windows and/or door openings, rather than as a single continuous feature extending over masonry piers or arches of a building.
- 211.19.4 Awnings and canopies must be permanently attached to buildings.
- 211.19.5 Awnings and canopies shall be oriented toward pedestrians.
- 211.19.6 Sign area shall comprise no more than thirty (30) percent of the total exterior surface of an awning and canopy. Sign area is included in the calculation of the maximum permitted building-mounted sign area.
- 211.19.7 Graphic logo and text printed onto an awning or canopy is included in the calculation of building-mounted sign area.
- 211.19.8 Minimum height of awnings shall be eight (8) feet above the ground.

211.20. Projecting Sign.

- 211.20.1 Projecting signs are mounted to and perpendicular with the face of the building, and extend no greater than four (4) feet from the wall surface.
- 211.20.2 Projecting signs shall be designed so that the support for the projecting sign is visible.
- 211.20.3 Mounting hardware shall be attractive and an integral part of the design. Metal brackets or a more decorative mounting bracket is encouraged where appropriate to add to the character of the building.
- 211.20.4 Projecting signs offer shall reflect the character of each building and business.
- 211.20.5 Projecting signs shall not be located above the second floor windows or extend above the roof-line of the building.
- 211.20.6 One (1) projecting sign is allowed on each building wall that has tenant display windows or a public entrance.
- 211.20.7 Each projecting sign shall not exceed ten (10) square feet.
- 211.20.8 Projecting signs are included in the calculation of the maximum permitted sign area.
- 211.20.9 Projecting signs shall provide a minimum vertical clearance of eight (8) feet.

211.21 Freestanding Sign Include Pylon, Monument, and Pole signs.

- 211.21.1 Pylon and monument signs are preferred over pole signs.
- 211.21.2 Each face of a freestanding sign shall not exceed two hundred (200) square feet.
- 211.21.3 Freestanding signs shall be placed within a landscaped area. Landscape areas for freestanding signs shall extend a minimum of four (4) feet from the sign in each direction.

- 211.21.4 Pylon signs shall have a support structure that is encased or enclosed by a cover.
- 211.21.5 Pole signs have a support structure of one or more poles that are not encased or enclosed by a cover.
- 211.21.6 One (1) pylon or pole sign is permitted at each intersection of a street or an intersection of a street and access drive.
- 211.21.7 The height of pylon and pole signs shall not exceed twenty (20) feet.
- 211.21.8 Monument sign is a ground-mounted sign that does not exceed ten (10) feet above grade.
- 211.21.9 One monument sign is permitted at each intersection that does not have a pylon or pole sign.
- 211.21.10 Light fixtures located on top of the monument sign are permitted above the maximum monument sign height.
- 211.21.11 Monument signs may be attached to retention walls.

211.22 Banner Sign.

- 211.22.1 Banners are permitted temporary decorations used to advertise or promote community affairs, celebrations, holidays, seasons, etc.
- 211.22.2 Banners shall not advertise or promote the sale of any product or commodity.
- 211.22.3 Banners are attached to buildings, poles and other types of structures.
- 211.22.4 The street banners shall be erected and maintained with a minimum height clearance of fifteen (15) feet from the street, access drive, or driveway.
- 211.22.5 The street banners shall not interfere with the clear view of any traffic light or traffic-control sign or device.
- 211.22.6 A banner permit shall be valid only for a period of

thirty (30) days following the date of issuance; provided, however, that the Zoning Officer may extend the time, not more than an additional thirty (30) days, if the purpose for the banner has not expired.

211.22.7 Banners shall be constructed from a good grade of canvas or similar material that will not stretch or distort out of shape.

211.22.8 Banners shall be supported by steel cables of sufficient size to safely support a wind load of thirty (30) pounds per square foot of exposed area. Such cable shall be anchored to safely carry the loads imposed. Banners shall not be anchored to any fire escape or public safety sign.

211.23 Directional Sign. - Directional signs provide directions to pedestrian and vehicular traffic. Signs directing to entrances, exits and other non-business elements of a project are exempt from the sign ordinance when the sign area is less than four (4) square feet.

211.24 Temporary Sign.

211.24.1 Contractor, architect, mechanic, landscaper, and artisan signs while on-site work is in progress, according to the following:

211.24.1.1 One (1) sign per firm;

211.24.1.2 Maximum sign area of thirty-two (32) square feet;

211.24.1.3 Maximum sign height of eight (8) feet;

211.24.1.4 Minimum setback of five (5) feet from the property line or street right-of-way;

211.24.1.5 No sign permit is required; and

211.24.1.6 Sign shall be removed within thirty (30) days from completion of construction.

211.24.2 Real Estate Sign while the real estate is marketed, according to the Following:

211.24.2.1 Sale, sold or rent signs shall be placed upon the property (unit) to be rented or sold;

211.24.2.2 Sign shall conform to the following:

	3 or Less Acres	Greater than 3 Acres
Number of signs per Street Frontage	2	3
Maximum Sign Area	16 Square Feet	32 Square Feet
Maximum Sign Height	8 Feet	10 Feet
Minimum Sign Setback from Property Line or Street Right-of-Way	5 Feet	10 Feet

211.24.2.3 No sign permit is required; and

211.24.2.4 Sign shall be removed within thirty (30) days of sale or rental.

211.24.3 Temporary Development Identification Sign identifying the future development of the property, according to the following.

211.24.3.1 One (1) sign per street frontage, with a maximum of two (2) signs;

211.24.3.2 Maximum sign area of one (1) square foot per one thousand (1,000) square feet of gross floor area, not to exceed sixty-four (64) square feet;

211.24.3.3 Maximum sign height of ten (10) feet;

211.24.3.4 Minimum setback of ten (10) feet from the property line or street right-of-way;

211.24.3.5 A sign permit is required;

211.24.3.6 The sign shall not be erected before the proposed development has been submitted to the Borough; and

211.24.3.7 The sign shall be removed within thirty (30) days of the installation of the permanent freestanding sign.

211.24.4 Special Event Sign for Public Use, Nonprofit Uses, and Special Event for Business according to the following:

211.24.4.1 One (1) sign per event;

211.24.4.2 Maximum sign area of thirty-two (32) square feet;

211.24.4.3 Maximum sign height of ten (10) feet;

211.24.4.4 Minimum setback of ten (10) feet from the property line or street right-of-way;

211.24.4.5 No sign permit is required; and

211.24.4.6 Sign shall be removed within thirty days from completion of event.

- 211.25 Portable Sign. - Portable signs are not allowed. Any sign not permanently attached to the ground or other permanent structure, whether or not bolted to the ground, shall be deemed to be a "portable sign."
- 211.26 Prohibited Sign. - The following signs are prohibited:
- 211.26.1 Illuminated, highly-reflective signs, beacons or spotlights which hamper the vision of motorists or bicyclists, nor other signs with flashing, moving or swinging displays.
- 211.26.2 Loud, vulgar, indecent, or obscene advertising matter shall not be displayed in any manner.
- 211.26.3 Billboards and off-premises signs. Only those signs referring directly to materials or products made, sold or displayed on the premises, to services offered on the premises, and/or to activities conducted on the premises, are permitted.
- 211.27 Sign Location.
- 211.27.1 Signs must be positioned so that they do not interfere with any clear sight triangle.
- 211.27.2 No sign shall be erected or located as to prevent ingress or egress from any window, door or fire escape.
- 211.27.3 No sign shall be permitted which is permanently attached to a public utility pole, or tree located within the street right-of-way.
- 211.27.4 No sign shall be placed in a position which creates a traffic danger.
- 211.27.5 Signs located within the floodplain shall not exceed six (6) square feet of area per side.
- 211.28 Modification of Standards. - Borough Council may permit the modification of the design standards, and other requirements of Section 211, by conditional use approval in order to encourage the use of innovative design.

211.28.1 An applicant desiring to obtain a modification of standards shall when making application for approval of a development within the Zone, make application for such conditional use approval. Borough Council shall consider both requests simultaneously. Any modification shall be subject to the conditional use criteria of Section 706 and a demonstration that the modifications will better serve the intended purpose of this Zone.

(Note: The above Section 211 was added on September 13, 2011 by Ordinance No. 2011-2.)

SECTION 212 FLOODPLAIN ZONE (FP)

§212. Floodplain Zone (FP).

212.1. Purpose and authorization.

1. This section serves the following major purposes:
 - A. Promote the general health, welfare, and safety of the Borough.
 - B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - C. Minimize danger to public health by protecting water supply and natural drainage.
 - D. Reduce financial burdens imposed on the Borough and its residents by preventing excessive development in areas subject to flooding.
 - E. Comply with federal and state floodplain management requirements.
2. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Borough Council has enacted this Section in accordance with the Flood Plain Management Act, the Borough Code, and the MPC.

212.2. Floodplain Zone (FP) applicability and administration.

1. The regulations of the Floodplain Zone (FP) shall apply throughout the entire Borough as overlay zoning regulations that supplement the zoning district regulations. Where the regulations of this section differ from the regulations of any other section of this Ordinance, the provision that is more restrictive on development shall apply.
 - A. The inclusion of construction and floodproofing standards in this section shall not be interpreted to allow any structure or construction that is not expressly authorized by this section. If the Zoning Hearing Board grants a variance to allow a structure or construction not authorized by this section, such structure or construction shall comply with all construction and floodproofing standards in this section unless the Zoning Hearing Board also grants a variance from a specific construction or floodproofing standard.
2. The degree of flood protection sought by the provisions of this Ordinance is

considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3. This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this ordinance and provisions of other ordinances, the more restrictive shall apply.
4. The Zoning Officer is hereby appointed to administer and enforce this section and for all purposes shall be considered and may sometimes be referred to as the Floodplain Administrator. The Floodplain Administrator may fulfill the duties and responsibilities set forth in these regulations, delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the Borough of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR §59.22. In addition to the powers and duties generally set forth in this ordinance, when serving as Floodplain Administrator the Zoning Officer shall have the following powers and duties:
 - A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, USC

§1344. No permit shall be issued until this determination has been made. In the case of existing structures, prior to the issuance of any permit the Floodplain Administrator shall also review the history of repairs to the subject building so that any repetitive loss concerns can be addressed before the permit is issued.

- C. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
 - D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this section.
 - E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to Borough Council for whatever action it considers necessary.
 - F. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
 - G. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning Borough participation in the National Flood Insurance Program.
 - H. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated, but the ultimate responsibility lies with the Zoning Officer.
 - I. The Floodplain Administrator shall consider the requirements of the UCC.
5. Enforcement. This section and all other sections of this Zoning Ordinance shall be enforced in accordance with Article VII, Administration, including but not limited to Section 700, Administration and enforcement, and the MPC.

212.3. Floodplain compliance.

1. No structure shall be used or located, relocated, constructed, reconstructed, enlarged or structurally altered or land used except in full compliance with these floodplain regulations and other provisions of applicable Borough ordinances. A Borough zoning permit is required for any development within the one-hundred-year floodplain.
2. Any alteration to a waterway, drainage channel or the one-hundred-year floodplain, including development, redirecting drainage ways, changes in grade or filling in, shall only occur after a determination by the Zoning Officer that all Borough ordinances have been complied with and after any needed state or federal permits are received.
3. Any municipality that will be affected by a change in an alteration or relocation of a waterway shall be given prior notice of such proposal, with copies of such notice provided to the DCED and FEMA.

212.4. Permits for uses, structures and grading within the identified floodplain area. Applications for such a permit shall be made, in writing to the Zoning Officer.

1. All permit applications shall include the following:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of land on which proposed construction is to occur.
 - C. The name and address of the contractor.
 - D. The site location.
 - E. A brief description of the proposed work and estimated costs.
 - F. A site plan showing the exact size and location of the proposed construction, as well as any existing buildings or structures, and also showing the one-hundred-year flood line.
 - G. A brief description of proposed work and estimate cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, permit applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning

Officer to determine that:

- A. The proposal is consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - D. Structures will be anchored to prevent flotation, collapse, or lateral movement.
 - E. Building materials are flood-resistant.
 - F. Appropriate practices that minimize flood damage have been used.
 - G. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
- A. A completed permit application form.
 - B. A plan of the entire site, clearly and legibly drawn in at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (1) North arrow, scale, and date.
 - (2) Topographic contour lines, if applicable.
 - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development.
 - (4) The location of all existing streets, driveways and other access ways.
 - (5) The location of any existing bodies of water or watercourses,

identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
 - (2) The BFE.
 - (3) Supplemental information as may be necessary under the UCC.
- D. The following data and documentation:
 - (1) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood.
 - (2) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (3) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified floodplain area, when combined with all other existing and anticipated development, will not cause any increase in the BFE.
 - (4) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
- E. Detailed information needed to determine compliance within Section 212.17.6, Storage, and Section 212.18, Development Which May Endanger Human Life, including:
 - (1) The amount, location and purpose of any materials or substances referred to in Sections 212.17.6 and 212.18 which

are intended to be used, produced, stored or otherwise maintained on site.

- (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 212.18 during a base flood.

F. The appropriate component of the PA DEP “Planning Module for Land Development.”

G. Where any excavation or grading is proposed, a plan meeting PA DEP requirements to implement and maintain erosion and sedimentation control.

212.5. Review of permit applications by Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

212.6. Review of permit applications by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g Planning Commission, Borough Engineer, etc.) for review and comment.

212.7. Changes to permits. After the issuance of a permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

212.8. Placards. In addition to the permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the dated of its issuance, and be signed by the Zoning Officer.

212.9. Start of Construction.

1. Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction

and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under the proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

212.10. Identification of Floodplain Zone (FP).

1. The Floodplain Zone (FP) is all those areas of Strasburg Borough, Lancaster County, Pennsylvania, classified as special flood hazard areas in the Flood Insurance Study (FIS) and the accompanying FIRM dated April 5, 2016, and issued by FEMA, or the most recent version thereof, including all digital data developed as part of the FIS and FIRM.
2. The above referenced FIS and FIRM, and any subsequent revisions and amendments are hereby adopted by Strasburg Borough and declared to be a part of this section and the Floodplain Zone (FP).

212.11. Description and Special Requirements of Identified Floodplain Areas of the Floodplain Zone (FP).

1. Floodway Area.
 - A. Description - the area identified as Floodway in the FIS and FIRM which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS and FIRM.
 - B. Special Requirements:
 - (1) Any encroachment that would cause any increase in flood heights shall be prohibited.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from the DEP Regional Office.
2. Special Flood Hazard Area.

- A. Description – The areas identified as Zones AE and A1-30 in the FIS and FIRM which are subject to inundation by the 1-percent-annual chance flood event determined by detailed methods and have BFEs shown.
- B. Special Requirements:
 - (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the PA DEP Regional Office.
 - (2) In special flood hazard areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.
- C. Permitted uses. The following uses are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the rules and regulations of the PA DEP; and all other applicable provisions of this Ordinance:
 - (1) Agriculture and agricultural production, including the raising of crops, forestry, horticulture and gardening, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
 - (2) Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
 - (3) Open space and front, side, or rear yards required by other sections of this Ordinance.
 - (4) Stream restoration work, including, but not limited to, efforts to control erosion and sedimentation, floodplain management techniques, and the placement of in-stream habitat structures to improve fisheries habitat.
 - (5) Accessory structures meeting the requirements of Section 212.16.

D. Special exception uses. The following uses are permitted in the Floodplain Zone (FP) only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article VI, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the rules and regulations of the PA DEP; and all other provisions of this Ordinance:

- (1) Parking lots, loading areas, driveways, and aircraft landing strips and taxiways.
- (2) Water-oriented uses, such as docks, piers, wharves, marinas, boat liveries, and boat-launching ramps.
- (3) Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - (a) Facilities such as pipelines, gaslines, storm sewers, sanitary sewers, waterlines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain.
 - (b) All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gaslines shall have a system of shutoff valves for service to the Floodplain Zone (FP) to allow positive control during flood emergencies.
- (4) Extraction of sand, gravel, and other mineral resources, excluding topsoil.

E. Prohibited uses. The following uses are prohibited in the Floodplain Zone (FP):

- (1) All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

- (2) All structures, with the exception of those specifically allowed in §212.11.3.
- (3) The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (a) Hospitals.
 - (b) Nursing homes.
 - (c) Jails or prisons.
- (4) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- (5) Sanitary landfills, dumps, junkyards and salvage yards, and outdoor storage of vehicles and/or materials except those materials necessary for the completion of stream restoration work provided for in this Section.
- (6) Damming or relocation of any watercourse, except as provided for in this section.
- (7) Any parts of new on-site sewage disposal systems.
- (8) Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
- (9) Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.), phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and

rodenticides), radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as "hazardous waste" under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (PA DEP's Hazardous Waste Management Regulations).

- (10) Fully and partially enclosed space below the lowest floor (including basement).

3. Approximate Floodplain Area.

A. Description – the areas identified as Zone A in the FIS which are subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

B. Special Requirements:

- (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the PA DEP Regional Office.
- (2) When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- (3) In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

C. The provisions of Sections 212.11.2.C, D, and E, are applicable to the approximate floodplain area.

212.12. Changes in identified floodplain area. The identified floodplain area may be revised or modified by Borough Council where studies or information

provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA.

As soon as practicable, but not later than six (6) months after the date such information becomes available, the Borough shall notify FEMA of the changes by submitting technical or scientific data.

212.13. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

212.14. Technical Provisions.

1. Alteration or Relocation of Watercourse.

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits or approvals have been first obtained from the PA DEP Regional Office. It is the responsibility of the applicant to provide all required studies and pay all fees.

B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

C. FEMA and DCED shall be notified prior to any alteration or relocation of any watercourse.

2. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.

3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.

212.15. Elevation and Floodproofing Requirements. Within any identified floodplain area any new construction or substantial improvements other than those expressly authorized by §212.11 shall be prohibited. If a variance is obtained for new construction or substantial improvements in the identified floodplain area in accordance with §212.24, then the following provisions apply:

1. Residential Structures.

- A. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - B. In A Zones, where there are no BFEs specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 212.11.3
 - C. The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized, where they are more restrictive.
2. Non-Residential Structures.
- A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (1) is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - (2) has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - B. In A Zones, where there are no BFEs specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 212.11.3.
 - C. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

- D. The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized, where they are more restrictive.

3. Space below the lowest floor.

- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “fully enclosed space” also includes crawl spaces.
- B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

212.16. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- 1. The accessory structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- 2. Floor area shall not exceed 150 square feet.
- 3. The accessory structure will have a low damage potential.
- 4. The accessory structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- 5. Power lines, wiring, and outlets will be elevated to the regulatory flood

elevation.

6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The accessory structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - A. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - B. The bottom of all openings shall be no higher than one (1) foot above grade.
 - C. Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

212.17. Design and Construction Standards. Within any identified floodplain area any new construction or substantial improvements other than those expressly authorized by §212.11 shall be prohibited. If a variance is obtained for new construction or substantial improvements in the identified floodplain area in accordance with §212.24, then the following minimum standards shall apply for all construction and development proposed within any identified floodplain area.

1. Fill. If fill is used, it shall:
 - A. Extend laterally at least fifteen (15) feet beyond the building line from all points.
 - B. Consist of soil or small rock materials only – Sanitary landfills shall not be permitted.
 - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - D. Be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer.

- E. Be used to the extent to which it does not adversely affect adjacent properties.
- 2. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- 3. Water and Sanitary Sewer Facilities and Systems.
 - A. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and Borough regulations for such systems. If any such system is permitted, is shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - D. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damage and The International Private Sewage Disposal Code shall be utilized.
- 4. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- 5. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
- 6. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 212.18, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- 7. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring.

- A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- B. All air ducts, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings.

- A. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- B. Plywood used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
- C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
- D. Windows, doors, and other components at or below the regulatory flood elevations shall be made of metal or other “water-resistant” material.

10. Paints and Adhesives.

- A. Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.
- B. Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
- C. All wooden components (doors, trims, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.

11. Electrical Components.

- A. Electrical distribution panels shall be at least three (3) feet above the BFE.
- B. Separate electrical circuits shall serve lower levels and shall be

dropped from above.

12. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
13. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
14. Uniform Construction Code Coordination. The standards and specifications of the UCC shall apply to the above and other sections and sub-sections of this section, to the extent that they are more restrictive and/or supplement the requirements of this section.

212.18. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the DCED as required by the Act, any new or substantially improved structure which:
 - A. Will be used for the production or storage of any of the following dangerous materials or substances; or,
 - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
 - C. Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

Acetone
Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid
Chlorine
Hydrochloric acid
Hydrocyanic acid
Magnesium

Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel, oil, etc)
Phosphorus
Potassium
Sodium
Sulphur and Sulphur products
Pesticides (including insecticides, fungicides, and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any floodway area, any structure of the kind described in Section 212.18.1 shall be prohibited.
3. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Section 212.18.1 shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above BFE.
 - B. Designed to prevent pollution from the structure or activity during the course of a base flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
4. Within any identified floodplain area, any new or substantially improved structure of the kind described in Section 212.18.1 shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

212.19. Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where BFE data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

212.20. Special Requirements for Manufactured Homes and Recreational Vehicles. Within any identified floodplain area manufactured homes and recreational vehicles shall be prohibited. If a variance is obtained for a manufactured home

or a recreation vehicle in the identified floodplain area in accordance with §212.24, then the following provisions apply:

1. Within any floodway, manufactured homes and recreational vehicles shall be prohibited.
2. Within approximate floodplain or special flood hazard area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any new watercourse.
3. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above BFE.
 - C. Anchored to resist flotation, collapse, or lateral movement.
4. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the International Residential Code adopted as part of the UCC or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, or latest revision thereto shall apply.
5. Consideration shall be given to the installation requirements of the UCC where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.
6. Within approximate floodplain or special flood hazard area, recreational vehicles in must either
 - A. be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or
 - B. meet all of the requirements for manufactured homes in Sections 212.20.2, 212.20.3, 212.20.4, and 212.20.5.

212.21. Prohibitions. In accordance with the administrative regulations promulgated by the DCED to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area.

1. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - A. Hospitals.
 - B. Nursing homes.
 - C. Jails or prison.
 2. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- 212.22. Existing Structures. The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 212.23 shall apply. Historic structures as defined in this section undergoing repair or rehabilitation that would constitute a substantial improvement as also defined in this section must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places must be obtained from the Secretary of the Interior. An exemption from ordinance requirements will be the minimum necessary to preserve historic character and design of the structure.
- 212.23. Improvements. Within any identified floodplain area any new construction or substantial improvements other than those expressly authorized by §212.11 shall be prohibited. If a variance is obtained for new construction or substantial improvements in the identified floodplain area in accordance with §212.24, or if an improvement which is not substantial is proposed, the following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the BFE.
 2. No expansion or enlargement of an existing structure shall be allowed within any special flood hazard area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 3. Any modification, alteration, reconstruction, or improvement, of any kind to

an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.

4. The above activity shall also address the requirements of the UCC.
5. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
6. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this section.

212.24. Variances.

1. If compliance with any of the requirements of this section would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
2. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Article VI of this Ordinance and the following:
 - A. No variance shall be granted for any construction, development, use or activity within any floodway that would cause any increase in the BFE.
 - B. No variance shall be granted for any construction, development, use, or activity within any special floodplain area that would, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.
 - C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development which may endanger human life.
 - D. If granted, a variance shall involve only the least modification necessary to provide relief.
 - E. Whenever a variance is granted, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare,

and to achieve the objectives of this section.

F. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

- (1) The granting of the variance may result in increased premium rates for flood insurance.
- (2) Such variance may increase the risks to life and property.

G. In reviewing any request for a variance, the Zoning Hearing Board shall consider at a minimum, the following:

- (1) That there is good and sufficient cause.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will:
 - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
 - (b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

I. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

212.25. Definitions. Unless specifically defined below, words and phrases use in this section shall be interpreted so as to give this section its most reasonable application.

ACCESSORY STRUCTURE OR USE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD – A flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

BASE FLOOD DISCHARGE – The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) – The elevation shown on the FIRM for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials forming a permanent structure and which has walls and a roof. This term shall include manufactured homes and trailers used for human habitation.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials, and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction or facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Borough.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the FEMA or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Borough.

FLOOD INSURANCE STUDY (FIS) – The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any

area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC RESOURCE— Any building, structure, site, object or district that is included on the National Register of Historic Places, individually or as a contributing resource in a National Register Historic District.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area, including any basement. An unfinished flood-resistant partially enclosed area used solely for the parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this section.

MANUFACTURED HOME — A type of single-family detached dwelling that meets all of the following requirements:

- (a) It is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing;
- (b) It is designed for permanent occupancy;
- (c) It arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations;
- (d) It may be constructed so that it may be used without a permanent foundation.
- (e) It is not a recreation vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile/manufactured home lots for the placement thereon of mobile/manufactured homes.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of these floodplain regulations that were adopted by the Borough, and includes any subsequent improvements thereto. Any construction started after August 15, 2006, and before the effective date of these floodplain regulations is subject to the regulations in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Borough.

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, culvert, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or is placed where the flow of the water may carry the matter downstream to threaten life and property.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The BFE or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on an average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) –An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION – Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION — A subdivision as defined in the MPC.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss”, regardless of the actual repair work performed. The term does not include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Borough code enforcement official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the UCC adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

VIOLATION – means the failure of a structure or other development to be fully compliant with the Borough’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Note: The above Section 212 was amended March 8, 2016, by Ordinance No. 2016-1.)

ARTICLE 3 GENERAL PROVISIONS

SECTION 300 GENERAL PROVISIONS

The regulations contained within Article 3 shall apply to all uses within the Borough.

SECTION 301 ACCESSORY USES AND STRUCTURES

301.1. General Requirements - Except as permitted elsewhere in this ordinance the following restrictions shall apply to all accessory buildings and structures.

1. Minimum required front yard setback - No accessory building or structure is permitted within the front yard;
2. Minimum required side and rear yard setbacks - Five (5) feet from each property line;
3. Maximum permitted height - One story, or twenty (20) feet, whichever is lower; and,
4. Maximum lot coverage - In no case shall the combination of all accessory building floor spaces (at grade) exceed those of the principal building(s) on any lot. And in no case shall all principal and accessory building coverages exceed the maximum lot coverage specified for each zone;

301.2. Fences and Walls - No fence or wall (except required junk yard or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard, nor to a height of more than six (6) feet in any other yard within any Residential, Historic Commercial, or Recreation Zone. Within any Industrial, or Highway or Restricted Commercial Zone, no fence nor wall shall be erected in any front yard, nor to a height of more than ten (10) feet in any side or rear yard. No fence shall block motorist view of vehicles entering or exiting the property;

301.3. Swimming Pools - No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a four (4) foot high fence or wall, with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height, and a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming;

- 301.4. Tennis Courts - All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property;
- 301.5. Satellite Dish Antennas - Satellite dish antennas are subject to all accessory use standards and must be located within the rear yard. Furthermore, any satellite dish antenna located within the Historic or Restricted Commercial, or Residential Zones shall be used only to receive signals, not transmit them. Additionally, any satellite dish antenna exceeding two (2) feet in diameter shall be screened from adjoining roads and properties. All ground-mounted satellite dish antennas located within the Industrial or C-2 Commercial Zones that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the Industrial or Commercial Zones shall comply with all principal use standards;
- 301.6. Alternative Energy Sources - Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Other alternative energy sources shall be permitted in any zone and subject to the requirements of that zone;
- 301.7. Ornamental Ponds and Wading Pools:
1. Such structures shall comply with all accessory use setbacks;
 2. No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools, or other impoundments exceeding the requirements of this section shall be considered as "Man-made Lakes, Dams and Impoundments" and are subject to the criteria listed in Section 301.8. of this Ordinance;
 3. No such impoundment shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding two (2) feet;

4. All such ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects; and,
5. No such pond(s) shall be used for the commercial hatching of fish or other species;

301.8. Man-Made Lakes, Dams and Impoundments:

1. All lakes, dams, ponds, and impoundments may be permitted in any zone subject to the following:
2. All dams, ponds, lakes, and impoundments located along and connected to a stream, that involve any of the following, shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Dam Safety or a letter indicating that the proposed use does not require a PA DEP permit:
 - A. The dam, pond, or impoundment contains a volume of at least fifty (50) acre feet;
 - B. The dam reaches a height of fifteen (15) feet; and,
 - C. The dam, pond, or impoundment is used to impound the water from a watershed of at least one hundred (100) acres;
3. All dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment or waiver of a permit from the PA DEP Bureau of Dams and Waterways, Division of Waterways and Storm Water Management;
4. All dams, ponds, and impoundments shall be located at least seventy-five (75) feet from any subsurface sewage disposal system or well;
5. All other dams, ponds, and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one foot above the water surface elevation occurring during the base flood;
6. Requirements for Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
7. Maintenance - All ponds shall be regularly maintained, and floating debris shall be removed from all pipes and spillways. All ground cover shall be

trimmed. Weeds, brush, and trees shall not be permitted to grow on the dam or spillway;

301.9. Garage/Yard Sales:

Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than two consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one four (4) square foot sign shall be permitted advertising the garage/yard sale; such sign must be located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization; and,

301.10. Accessory Repair of Personal Motor Vehicles - The routine maintenance, repair and servicing of personal motor vehicles, owned and/or leased by the person performing such services, is permitted, subject to the following:

1. All vehicles shall be maintained with proper licensure;
2. All work shall be performed on the vehicle owner's (leasee's) property of residence;
3. Work conducted outside of a wholly-enclosed building shall be limited to the following:
 - A. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;
 - B. Repair and replacement of tires and wheels, excluding re-capping or re-grooving;
 - C. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants;
 - D. Repair and replacement of car radios, tape players, amplifiers, and speakers;
 - E. Cleaning and flushing of radiators only when flushed into a water-tight catch basin;
 - F. Repair and replacement of fuel pump, oil pump and line repairs;

- G. Minor servicing and adjustment of carburetors;
 - H. Minor motor adjustments not involving the removal of the motor head or crank case, nor the revving of the motor;
 - I. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,
 - J. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;
- 4. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of;
 - 5. All such activities shall be conducted during daylight hours and so as not to disturb neighboring residents owing to noise; and,
 - 6. No compressed-air driven tools shall be utilized.

SECTION 302 UNENCLOSED STORAGE

302.1. Recreational Vehicles, Boats, Campers, Trailers and Trucks - Within any residential zone, or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the residents' recreational vehicle(s) is permitted only according to the following requirements:

- 1. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) are divided into two separate categories, as follows:

Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console; and,

Class II Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console;

2. The temporary parking of one Class I or Class II vehicle for periods not exceeding 72 hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines;
3. The storage of one Class I vehicle shall be permitted per lot behind the building setback line, so long as the unit is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground;
4. Except as permitted in Section 302.1.2., and as follows, the parking or storage of any Class II vehicle is expressly prohibited in any residential zone, or on any property used principally for residential purposes. The storage of one Class II vehicle on a residentially-zoned parcel, or a parcel used for a principal residence, is permitted, subject to the following requirements:
 - A. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console;
 - B. All vehicles shall be set back a horizontal distance equal to twice the vehicle's height from every side and rear lot line;
 - C. No vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses;
 - D. Screening, as described in Section 312.3. of this Ordinance, shall be

provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley; and,

E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground; and,

5. The storage or parking of any commercial truck upon any residentially-zoned lot, or lot used principally for residential purposes, is prohibited. For purposes of this section, commercial trucks shall include those that exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited on any residentially-zoned lot, or a lot used principally for residential purposes;

302.2. Outdoor Stockpiling - In all zones, no outdoor stockpiling of any material (including firewood), or outdoor storage of trash, is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited;

302.3. Trash, Garbage, Refuse, or Junk - Except as provided in Section 425 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited; and,

302.4. Domestic Composts - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

SECTION 303 SETBACK MODIFICATIONS

303.1. Front Setback or Buildings on Built-up Streets - In any (R-2 or R-3) Residential Zone where at least two adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty (20) feet from any abutting street right-of-way line; and,

303.2. Accessory or Appurtenant Structures - The setback regulations do not apply to:

1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions, but do apply to porches and patios whether covered or not;
2. Open fire escapes;
3. Minor public utility structures, articles of ornamentation or decoration; and,
4. Fences, hedges, and retaining walls.

SECTION 304 HEIGHT LIMIT EXCEPTIONS

304.1. The height regulations do not apply to the following structures or projections, provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:

1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, or other similar structures;
2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,

304.2. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

SECTION 305 VISION OBSTRUCTION

On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two legs of the triangle extend one hundred (100) feet from the centerline intersection of the two intersecting streets.

SECTION 306 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area following:

- 306.1. Single-family, duplex, and townhouse dwelling units: nine hundred (900) square feet per dwelling unit; and,
- 306.2. Multi-family dwellings and conversion apartments: six hundred (600) square feet per dwelling unit.

SECTION 307 ERECTION OF MORE THAN ONE PRINCIPAL USE ON A LOT

More than one principal use may be erected on a single lot, provided that all lot, frontage, and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan.

SECTION 308 REQUIRED VEHICULAR ACCESS

Each lot to be created shall directly abut a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Borough Subdivision and Land Development Ordinance. Each principal structure erected or moved shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Borough Subdivision and Land Development Ordinance. Access to such lots or principal structures shall comply with the requirements of the Borough Subdivision and Land Development Ordinance and with Section 309 of this Ordinance.

(Note: The above Section 308 was revised on September 8, 1998, by Ordinance No. 1998-4.)

SECTION 309 DRIVEWAY AND ACCESS DRIVE REQUIREMENTS

309.1. Driveways - Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy and a street, alley, or access drive. Driveways shall conform with the following:

1. Only one (1) driveway connection per sixty (60) feet of lot frontage and no more than two (2) driveway connections per lot are permitted;
2. Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting street, nor within five (5) feet of a fire hydrant;
3. Driveways shall be set back at least two (2) feet from any side lot line, unless a common or joint driveway location is proposed;
4. Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet, as measured along the street centerline, and five (5) feet along the driveway centerline is maintained. No permanent obstructions over three (3) feet above the street grade are permitted in the clear-sight triangle;
5. Driveway intersections shall conform with the Sight Distance requirement stated in Section 602.13 of the Strasburg Borough Subdivision and Land

Development Ordinance, as amended;

6. Driveways shall not exceed a slope of eight percent (8%) within twenty (20) feet of the street right-of-way;
7. Driveway access shall be provided to the street of lesser classification where there is more than one street involved unless the requirements of the Borough Subdivision and Land Development Ordinance provide otherwise;

(Note: The above Section 309.1.7. was revised on September 8, 1998, by Ordinance No. 1998-4.)

8. No driveway width shall be less than ten (10) feet wide nor exceed twenty-four (24) feet between the street right-of-way and street cartway. Individual driveways for duplex and townhouse dwellings shall have a maximum width of twelve (12) feet between the street right-of-way and the street cartway;
9. All intersections with a State route shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). Any driveway intersecting with a State route shall obtain a Highway Occupancy Permit from PennDOT prior to receipt of a building permit. The Plan shall include a statement that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before any improvements are initiated within a State highway, or a street, access drive, or driveway intersection to a State highway is permitted;
10. Driveways shall be paved with bituminous concrete or an equivalent stabilized material from the edge of the street cartway a minimum distance of fifteen (15) feet toward the lot and be provided in a manner consistent with the design, construction, and storm water drainage of the street;
11. Driveways which intersect, other than a minor street, shall provide adequate turnaround within the lot so egress to the street is in a forward direction; and,
12. Driveways that are located along the turnaround of a cul-de-sac street shall be separated from the edge of the adjacent driveway by a minimum of thirty (30) feet; and,

309.2. Access Drives - Access drives are private drives, which provide vehicular movement between a street and any use other than one single-family dwelling unit or farm. Access drives shall conform with Section 602.17 of the Strasburg Borough Subdivision and Land Development Ordinance, as amended and as may be modified by waiver.

SECTION 310 OFF-STREET PARKING REQUIREMENTS

310.1. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:

1. A building is constructed or a new use is established;
2. The use of an existing building is changed to a use requiring more parking facilities; and,
3. An existing building or use is altered or enlarged so as to increase the amount of parking space required;

310.2. Parking for Residential Uses - Every parking space for a single-family detached residential dwelling must be provided behind the street right-of-way line and may take the form of garages, carports, or driveways. In addition to the off-street parking requirements of Section 310.7., all duplex and townhouse units shall be provided with one-half (½) parking space per dwelling as an overflow on-street or off-street parking facility. Individual driveways for duplexes or townhouses shall, whenever possible, be contiguous so that a maximum amount of area is provided for on-street parking;

310.3. Site Plan Approval:

1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below; and,
2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained;

310.4. Parking for Uses Other Than a Single-Family Dwelling - Off-street parking facilities shall conform with Section 603 of the Strasburg Borough Subdivision and Land Development Ordinance, as amended and as may be modified by waiver;

310.5. Joint Parking Lots:

1. In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty percent (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be

appropriately distributed upon the lot to provide convenient walking distance between the vehicle and each of the shopping center's stores;

310.6. Prohibited Uses of a Parking Lot:

Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise;
2. Parking vehicles accessory to the use;
3. Performing services (including services to vehicles); nor,
4. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended; and,

310.7. Schedule of Required Parking Spaces - The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Type of Use	Minimum of One Parking Space for Each
C o m m e r c i a l U s e s	
Automobile repair, filling and washing facilities	100 square feet of gross floor and ground area devoted to repair and service facilities, in addition to areas normally devoted to automobile storage and 1 per employee on the largest shift
Automobile, boat, and trailer sales	500 square feet of gross floor area
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Drive-thru and/or fast-food restaurants	2 seats and 1 per each 2 employees
Food markets and grocery stores	100 square feet of floor area for public use and 1 per each employee on 2 largest shifts
Funeral homes	100 square feet of gross floor area, 1 per each employee, and 1 per each piece mobile equipment such as hearses and ambulances
Furniture sales	500 square feet gross floor area
Hotels, motels, tourist homes	Guest sleeping room and 1 per each employee on 2 largest shifts. (Restaurants and other accessory uses shall be viewed separately.)
Mini-warehouses	Per each 25 units plus 1 per 250 square feet of office space plus 2 per any resident manager
Office buildings	200 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each, physician or dentist, etc.
Retail stores or shops (except those listed above)	200 square feet of gross floor area of display area or sales area and 1 per each employee on 2 largest shifts
Restaurants, taverns, brewpubs and wine retail/tasting <i>(Note this Section was amended on September 8, 2020 by Ordinance 2020-4.)</i>	4 seats plus 1 per each employee on largest shift
Shopping centers or malls	182 square feet of gross leasable floor area
Other commercial buildings	400 square feet of gross floor area
Industrial Uses	
Industrial and manufacturing establishments	2 employees on the 2 largest shifts or at least 1 space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the 2 largest shifts
Recreation Uses	
Amusement arcades	80 square feet of gross floor area
Athletic fields	4 seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such parking area.
Bowling alleys, billiards rooms	1/3 lane/table and 1 per each 2 employees
Campgrounds	Per campsite, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	1/8 hole, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	1 per tee and 1 per employee
Miniature golf courses	1/2 hole and 1 per employee
Riding schools or horse stables	2 stalls plus 1 per every 4 seats of spectator seating
Picnic areas	Per table
Skating rinks	4 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	4 persons of legal occupancy
Tennis or racquet ball clubs	1/4 court plus 1 per employee plus 50% of the spaces normally required for accessory uses
Residential Uses	
Single-family detached dwellings	1/2 dwelling units (i.e., 2 spaces per dwelling unit)
Boarding houses, group homes, and bed and breakfasts	Bedroom
Multiple family dwellings, townhouses and duplexes	2/5 dwelling units (2.5 spaces per dwelling unit)
Social and Institutional Uses	
Auditoriums, churches, theaters, and other such places of public assembly	200 square feet but not less than 1 space per each 4 seats
Clubs, lodges, and other similar places	2 seats but not less than 100 square feet of gross floor area and 1 per each employee on 2 largest shifts

Type of Use	Minimum of One Parking Space for Each
Nursing, rest, or retirement homes	3 accommodations (beds) in addition to those needed for doctors and support staff
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least 1 space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers, (without overnight accommodations)	1 per each employee and per each 3 people anticipated to be handled through the facility
Schools below grade ten including commercial day-care and kindergarten	6 students enrolled
Schools, tenth grade and above, including colleges	3 students enrolled
Vocational training and adult education facilities	1.5 students enrolled

SECTION 311 OFF-STREET LOADING FACILITIES

311.1. Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:

1. A new use is established;
2. The use of a property or building is changed and thereby requiring more loading space; and,
3. An existing use is enlarged thereby requiring an increase in loading space.

311.2. Site Plan Approval:

1. Each application for a zoning permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below; and,
2. No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved;

311.3. Surfacing - All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials;

311.4. Location - Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility

(including access drives) shall be located within fifty (50) feet of any land within a residential zone. Where possible, off-street loading facilities shall be located along that portion of the building that does not adjoin a residential zone;

- 311.5. Connection to Street - Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or fifteen (15) feet wide for one way travel, exclusive of any parts of the curb and gutters. Access drives shall be designed in accordance with Section 602.17 of the SLDO, as amended and as may be modified by waiver;
- 311.6. Separation from Streets, Sidewalks, and Parking Lots - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, the placement of off-street loading spaces shall not interfere with the movement of vehicles within, and to-and-from, the off-street parking lots;
- 311.7. Drainage - Off-street loading facilities (including access drives) shall be designed to conform with the Storm Water Management Ordinance of Strasburg Borough, as amended;
- 311.8. Required Off-Street Loading Facilities Sizes - The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

Facility	Length	Width	Height (If Covered or Obstructed)
Industrial, Wholesale and Storage Uses	63 feet	14 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

- 311.9. Lighting - Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off of the site;
- 311.10. Landscaping and Screening Requirements - Unless otherwise indicated, all off-street loading facilities shall be surrounded by a ten (10) foot wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets. Screening shall be designed to conform with Section 312 of this Ordinance; and,

311.11. Schedule of Required Off-Street Loading Spaces:

Type of Use	Number Spaces	Unit of Measurement (Gross Floor Space)
Hospitals or other institutions	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotels	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwellings	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office buildings, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per store	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls, and plazas) having at least 25,000 square feet of GLA	2.0	25,000 square feet of GLA up to 100,000 square feet of GLA
	+1.0	Each additional 100,000 square feet of GLA

Type of Use	Number Spaces	Unit of Measurement (Gross Floor Space)
Theaters, auditoriums, bowling alleys, or other recreational establishments	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishments or funeral parlors	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing, (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

SECTION 312 SCREENING AND LANDSCAPING REQUIREMENTS

- 312.1. Yard Ground Cover - Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Borough Council (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly;
- 312.2. Landscaping Requirements - Any required landscaping (landscape strips and interior landscaping) shall include a combination of at least three (3) of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

For each seven hundred and fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots), one shade tree shall be

provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;

- 312.3. Screening - The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earthen berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation; and,
- 312.4. Selection of Plant Materials - Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained.

SECTION 313 OUTDOOR SIGNS

313.1. General Regulations for All Signs:

1. Signs must be constructed of durable material and maintained in good condition;
2. No sign shall be maintained within the Borough in such a state of disrepair as to have the appearance of neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings;
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days;
4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply;
5. Each sign shall be removed when the circumstances leading to its erection no longer apply;
6. Signs may not be interior lighted within the R-1, R-H and C-1 Zones; however, in other zones, interior lighting may be permitted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so

there is no direct light transmitted to other properties or public rights-of-way;

7. No sign shall be of the intermittent flashing or rotating type;
8. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing;
9. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters;
10. Signs must be positioned so that they do not interfere with any clear sight triangle;
11. Determination of Size - The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, provided, however, for a double face sign if the interior angle formed by the two faces of the double face sign is less than forty-five degrees (45°), and the two faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included;
12. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner including, but not limited to:
 - A. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - B. Scenes wherein a person displays the vulva or the anus or other genitals;
 - C. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above; and,
 - D. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas;
13. No sign shall be erected or located as to prevent free ingress or egress from

any window, door, or fire escape;

14. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger;
15. No sign shall be permitted which is permanently attached to public utility poles or trees within the right-of-way of any street;
16. No sign located within the Floodplain Zone shall exceed six (6) square feet of area per side;
17. In the event that a symbol, trademark, or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark, or figure is to be computed as part of the total allowable sign area; and,
18. No signs shall include streamers, spinners, ribbons, pendants, reflectors, strings of light bulbs, or other similar devices.

313.2. Specific Regulations for Signs - In addition to the general sign regulations listed in the preceding Section 313.1., specific regulations contained within this section shall also apply to all signs. For the purposes of this Ordinance, each sign is classified by its (1) use, and (2) by its type of construction. Specific sign requirements are listed by use, and then by construction type; therefore, each sign must comply with those regulations specified for its classification of use, and its classification by type of construction.

1. Classification of Signs by Use - All signs shall be divided into the following types of uses and shall be subject to the specific regulations listed therewith:
 - A. Official traffic signs - No specific regulations are applied to this type of sign use;
 - B. Professional accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, and trespassing signs, or signs indicating the private nature of a driveway or premises - The area on one (1) side of such sign shall not exceed two (2) square feet nor project more than six (6) inches from a wall when attached to a building;
 - C. Identification signs identifying churches, hospitals or similar institutions, and for clubs, lodges, farms, estates, or similar uses - A total of six (6) square feet per side will be allowed. Not more than two (2) such signs per organization will be permitted on the site. In addition, any nonprofit or civic organization (churches, clubs, lodges, etc.) shall be permitted to erect two off-premise signs within the

Borough. Such signs shall not exceed six (6) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of twenty-four (24) square feet. Each use of a collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs;

- D. Temporary signs of contractors, architects, mechanics, and artisans - The signs shall be displayed only while actual work is in progress, and shall not exceed six (6) square feet in area, and provided further that such signs must be removed promptly upon completion of work. Should such sign be left on the site beyond the allowable time frame, the Borough may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign;
- E. Real estate sale-sold-rent development signs shall be placed upon the property to be sold, rented or developed - Such signs shall not exceed six (6) square feet; however, for sites exceeding one (1) acre, such signs shall be permitted up to sixteen (16) square feet in total sign area. No off-premise directional signs shall be permitted, except as regulated by Section 313.2.1.L. (Open house signs);
- F. Subdivision signs devoted to the display of the name and logo of a particular residential development - Such signs shall be limited to one (1) per street access to the development, provided that no such signs advertising the same development shall be located within one thousand (1,000) feet of one another. No such sign shall contain more than fifteen (15) square feet of display area, nor extend above five (5) feet in height. All such signs shall comply with principal setback requirements imposed within the Zone;
- G. Business, commercial, or industrial signs - A sign for a permitted use conducted on the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises. The total sign area shall not exceed one (1) square foot per six (6) lineal feet of lot frontage; however, within the R-1 and R-H Zones, no sign shall exceed six (6) square feet of total sign area, and within the CO and C-1 Zones, no sign shall exceed ten (10) square feet of total sign area. The total number of signs allowed is one per lot or one per adjoining lots occupied by the same use.

(Note: The above Section 313.2.1.G. was revised on May 11, 1999, by Ordinance No. 1999-3.)

- H. Functional signs such as those designating rest rooms, entrance, exit, or other signs not otherwise defined or directly connected with the

business or profession conducted upon the premises, but attendant or accessory thereto - Two signs per frontage used for vehicular access are permitted. Each sign shall not exceed two (2) square feet in total sign area;

- I. Planned center signs - Within the R-2, C-2, or I Zones signs advertising the name of an integrated development such as a planned shopping center, office or apartment complex, or industrial park. These signs shall devote no less than fifty percent (50%) of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat wall, wall projecting, and/or roof signs as defined in Section 313.2.2. of this Ordinance; no other ground signs shall be permitted for those uses within the planned center. Only one (1) planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed one (1) square foot for each two (2) feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of one-hundred-fifty (150) square feet, nor an overall height of twenty (20) feet;
- J. Temporary (special event) signs and banners - One (1) such sign may be permitted per lot for one period not exceeding thirty (30) days during any calendar year. Such signs shall be limited to a maximum thirty-two (32) square feet in total sign area;
- K. Billboards - These signs are only permitted by conditional use in the Industrial Zone. See Section 408 of this Ordinance for additional requirements;
- L. Open house signs - In addition to real estate sale-sold-rent development signs, one (1) on-site open house sign shall be permitted associated with a scheduled open house. Such sign shall be limited to six (6) square feet in total sign area, and shall be erected no more than forty-eight (48) hours and removed no more than twenty-four (24) hours from a scheduled open house. Additionally, up to four (4) off-site open house signs shall be permitted associated with a scheduled open house. Such signs shall be limited to six (6) square feet each of total sign area, and shall be erected no more than one (1) hour before, and removed within one (1) hour after a scheduled open house. No off-site open house shall be located within any street right-of-way. The Borough in no way implies or provides consent for the placement of open house signs on any personal property. Should any of the above-described open house signs remain beyond the allowable time frame, the Borough may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign; and,

- M. Public use signs - For public uses, as defined herein a total of thirty-two (32) square feet per side will be allowed; however, if such signs are flat wall signs as regulated by Section 313.2.2.B. of this Ordinance, such signs may comprise up to fifty (50) square feet of sign area;
2. Classification of Signs by Type of Construction - All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed therewith:
- A. Ground sign - Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure, but becomes a primary purpose in itself, shall be considered a ground sign and, as such, be subject to the provisions regarding freestanding signs in the zone in which such vehicle or structure is located.

No ground sign shall project to a point nearer than twelve (12) feet from the edge of a street right-of-way. (Unless obstructing view, at which time further setback is required.) No support for any ground sign shall be located nearer than twelve (12) feet to any property line. Such signs shall not exceed twenty (20) feet in height nor exceed eighty (80) square feet in total sign area; however, in the C-1 Zone, no ground sign shall exceed six (6) square feet. Planned center signs may, however, have a maximum size of two hundred (200) square feet. Billboards, as regulated in Section 408 are exempt from these specific requirements;

- B. Flat wall sign - A sign erected or displayed on or parallel to the surface of a building.

Flat wall signs may have a maximum area of fifteen percent (15%) of the wall area of the wall on which the sign is to be erected.

Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than twelve (12) inches from the building wall and must be located so that the lower edge is a minimum of eight (8) feet above grade where the

sign projects from the wall more than three (3) inches;

C. Wall projecting sign - Any sign mounted upon a building so that its principal face is at right angles to the building wall.

Projecting signs shall be located upon the buildings so that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of ten (10) feet from the building wall, provided however, that no sign shall project within the street right-of-way.

No projecting sign shall extend more than fifteen (15) feet above the top of the wall upon which it is mounted.

Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas; and,

D. Roof sign - A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building.

No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof.

No sign erected upon the roof of any building shall project beyond the edges of said roof in any direction.

Roof signs may extend above the roof, or top of wall, a distance equal to one-half ($\frac{1}{2}$) the height of the wall or fifteen (15) feet, whichever is the smaller height.

Roof signs may have a maximum area of fifteen percent (15%) of the wall area to which the sign is attached.

No roof sign parallel to a building shall extend in length a distance greater than two-thirds ($\frac{2}{3}$) the length of the wall to which it is parallel; and,

313.3. Signs for Uses Not Permitted as of Right, by Special Exception or by Conditional Use Within a Zone - In addition to the general sign regulations set forth in Section 313.1., and the regulations for specific signs set forth in Section 313.2., signs for uses which are not permitted as of right, by special exception, or by conditional use in the zone in which they are located must comply with the following regulations:

1. If the use is located in a residential zone, a sign which meets the requirements for professional accessory use or name signs may be erected as of right. A sign which meets the requirements for identification signs for

schools, churches, hospitals or similar institutions may be installed after obtaining a special exception from the Zoning Hearing Board. The applicant for such a special exception shall demonstrate that the size of the sign is necessary in order to properly identify the use and is compatible with and not detrimental to neighboring properties. The applicant shall also present detailed specifications of the design and placement of the proposed sign to the Zoning Hearing Board and shall meet the relevant standards and criteria set forth in this Ordinance for special exceptions;

2. Uses located in the Restricted Commercial Zone (C-3) and the Recreation Zone (REC) shall be permitted to have a sign as of right which does not exceed the limitations on signs for uses permitted as of right in the zone in which the use is located; and,
3. Uses within the Commercial Zone (C-1), the Highway Commercial Zone (C-2) and the Industrial Zone (I) may install any sign which meets the requirements of this Section 313 as of right; and,

313.4. Permits:

1. Requirements for Signs:

The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

- A. Official traffic signs;
 - B. Professional, accessory use, or name signs;
 - C. Temporary signs of contractors, architects, mechanics, and artisans;
 - D. Real estate sale-sold-rent development signs;
 - E. Functional signs; and,
 - F. Signs within buildings, not visible from outdoors.
2. All other signs shall require the obtainment of a permit prior to the erection or installation of the sign.

All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:

- A. Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected;
- B. Exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and, the manner of installation;
- C. Proof of compliance with applicable building code requirements; and

- D. Any other lawful information which may be required of the applicant by the Zoning Officer.

Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.

No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

SECTION 314 ROADWAY CLASSIFICATIONS

For the purposes of this Ordinance, the Borough's roads shall be classified in the following categories:

Arterial Roads (including Controlled Access Arterial Roads)	Collector Roads	Local Roads
Historic Drive (controlled access arterial) East Main Street West Main Street Miller Street North Decatur Street	South Decatur Street Lancaster Avenue South Jackson Street	All other roads not specified as arterial or collector roads.

(Note: The above Section 314 was revised on September 8, 1998, by Ordinance No. 1998-4.)

SECTION 315 OPERATIONS AND PERFORMANCE STANDARDS

All uses proposed within Strasburg Borough shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Borough, but is merely provided for information to applicants and landowners.

- 315.1. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
- 315.2. Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
- 315.3. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1 as amended.
- 315.4. Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the

“Noncoal Surface Mining Conservation and Reclamation Act.”

315.5. Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.

315.6. Parking Spaces for Handicapped Persons - The latest versions of the Pennsylvania Universal Accessibility Standards

SECTION 316 TRAFFIC STUDY REQUIREMENTS

When required by another section of this Ordinance, a traffic study shall be prepared and submitted. Such traffic study shall be conducted by or under the supervision of a professional engineer with demonstrable experience in traffic issues and shall include at a minimum, those elements for traffic studies set forth in Section 402.05.4 of the SLDO.

SECTION 317 COMMON OPEN SPACE REQUIREMENTS

In those instances where open space is required elsewhere in this Ordinance, or when an applicant proposes the use of open space, such open space shall comply with the following:

317.1. Common open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

1. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);
2. Protection of important historical and/or archaeological sites;
3. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Borough; and,
4. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features; and,

317.2. An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through one of the following:

1. An offer of dedication to the Borough. The Borough shall not be obligated to accept dedication of the common open space. Should the Borough not accept dedication, the common open space must be accomplished via subparagraph 2. or 3., as follows:
2. With permission of the Borough, and with appropriate deed restrictions in favor

of the Borough and in language acceptable to the Borough Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Borough; and,

3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space, which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Borough Solicitor:
 - A. Such organization shall not dispose of the common open space by sale or otherwise except to the Borough, unless the Borough has given prior written approval. Such transfer shall be made only to another organization, which shall maintain the common open space in accordance with this Ordinance;
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Borough and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
 - C. The Borough may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

SECTION 318 DRIVE-THRU REQUIREMENTS

Except as required elsewhere within this Ordinance, all uses involving the use of drive-thru lanes shall comply with the following:

- 318.1. Each drive-thru lane shall have sufficient length between the street and the service window/teller/bay to accommodate at least ten (10) vehicles;
- 318.2. All drive-thru lanes shall be separated from the parking lot's interior driveways by the use of curbs and/or planting islands; and,
- 318.3. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

ARTICLE 4 SPECIFIC CRITERIA

SECTION 400 SPECIFIC STANDARDS FOR DESIGNATED USES

In addition to the general criteria for uses within a particular Zone established in Article 2 and general regulations for uses established in Article 3, this Article 4 sets forth standards that shall be applied to each individual use identified herein. The standards of this Article 4 must be satisfied before approval of any application for a special exception, conditional use, or zoning permit, as applicable. The criteria for special exceptions and conditional uses in this Article 4 shall be in addition to the general criteria for special exceptions and conditional uses set forth in Sections 604.3. and 704, as applicable. The applicant shall be required to demonstrate compliance with all applicable standards and shall furnish whatever evidence is necessary to demonstrate such compliance.

All uses identified in this Article 4 must comply with the general regulations for the Zone in which the use is to be located, unless different standards are established by this Article; if different standards are established by this Article, these different standards for the use shall apply in addition to any other general regulations which are not inconsistent with Article 4.

For the purposes of this Article 4, any required setbacks shall be measured from the boundary line of the site for which the special exception, conditional use or zoning permit is requested, regardless of whether or not this line corresponds to a property line or a lease line.

(Note: The above Section 400 was revised on September 8, 1998, by Ordinance No. 1998-4.)

SECTION 401 ACCESSORY BUILDINGS EXCEEDING 1,200 SQUARE FEET

- 401.1. Within the RH and R-1 Residential Zones, accessory buildings exceeding one thousand two hundred (1,200) square feet in gross floor area are permitted by special exception, subject to the following criteria:
- 401.2. The applicant shall explain the reasons why the proposed accessory building must exceed one thousand two hundred (1,200) square feet in gross floor area. Furthermore, the applicant must describe the intended use of the accessory building which must be customarily incidental to the principal use of the property;
- 401.3. The maximum permitted height for accessory buildings exceeding one thousand two hundred (1,200) square feet in gross floor area shall be in proportion to the height of the principal building and shall be in accordance with HARB design standards, as determined by a review of the proposal by the HARB;

(Note: The above Section 401 was revised on June 10, 1997, by Ordinance No. 1997-3.)

- 401.4. The applicant shall demonstrate that the lot coverage requirements of the zone in which the accessory building is proposed will not be violated; and,
- 401.5. The Zoning Hearing Board may require the erection of a landscape screen on the subject property if it determines that the proposed use would disrupt the character of the neighborhood and/or adjoining properties.

SECTION 402 ADULT-RELATED USES

- 402.1. Within the (C-2) Zone, adult-related uses are permitted by conditional use, subject to the following criteria:
- 402.2. An adult-related use shall not be permitted to be located within one thousand (1,000) feet of any other adult-related use;
- 402.3. No adult-related use shall be located within two hundred (200) feet of any residentially-zoned land;
- 402.4. No establishment shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or,
 10. Other lands where minors congregate;
- 402.5. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use;
- 402.6. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- 402.7. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise,

or film shall be visible from outside the building or structure;

- 402.8. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 402.9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein, and warning all other persons that they may be offended upon entry;
- 402.10. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use;
- 402.11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 402.12. No unlawful sexual activity or conduct shall be permitted; and,
- 402.13. No more than one adult-related use may be located within one building or shopping center.

SECTION 403 AMUSEMENT ARCADES

- 403.1. Within the (C-2) Zone, amusement arcades are permitted by special exception, subject to the following criteria:
- 403.2. All activities shall take place within a wholly-enclosed building;
- 403.3. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the arcade;
- 403.4. A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 310 of this Ordinance; and,
- 403.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 404 AUTOMOBILE FILLING STATIONS (INCLUDING MINOR INCIDENTAL REPAIR)

- 404.1. Within the (C-2) Zone, automobile filling stations (including minor incidental repair) are permitted by special exception, subject to the following criteria:

- 404.2. The subject property shall have a minimum width of one hundred and twenty-five (125) feet;
- 404.3. The subject property shall front on and gain access from an arterial or collector road as defined in identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance, unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

(Note: The above Section 404.3. was revised on September 8, 1998, by Ordinance No. 1998-4.)

- 404.4. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital, or nursing, rest or retirement home;
- 404.5. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) week is prohibited;
- 404.6. All structures (including gasoline pump islands but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line;
- 404.7. No outdoor storage of automobile parts (new or used) shall be permitted. No discarded automobile parts shall remain on the site for more than one (1) week from when they are removed from the vehicle;
- 404.8. Access driveways shall be a minimum of thirty (30) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge; and,
- 404.9. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned properties.

**SECTION 405 AUTOMOBILE SERVICE AND REPAIR FACILITIES
INCLUDING, BUT NOT LIMITED TO, AUTO
MECHANICS, DRIVE-THRU LUBRICATION SERVICES
AND TIRES, AUTO PAINT, BRAKE, MUFFLER,
TRANSMISSION, WINDSHIELD, AUTO BODY, CAR
RADIO, AND UPHOLSTERY SHOP**

- 405.1. Within the (C-2) Zone, automobile service and repair facilities including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop

are permitted by special exception, subject to the following criteria:

- 405.2. All service and/or repair activities shall be conducted within a wholly-enclosed building;
- 405.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 405.4. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation shall be permitted;
- 405.5. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads;
- 405.6. The storage of unlicensed vehicles is prohibited;
- 405.7. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned property;
- 405.8. All vehicles shall be repaired and removed from the premises promptly; and,
- 405.9. The demolition or junking of automobiles is prohibited. Demolished vehicles shall be removed from the site within two weeks of arrival.

SECTION 406 BARBER AND BEAUTY SALONS

- 406.1. Within the (R-1 and R-H) Zones, barber and beauty salons are permitted by special exception, subject to the following criteria:
- 406.2. All such uses shall be contained within a detached building;
- 406.3. No more than two (2) operators may provide service at any given time;
- 406.4. Four (4) off-street parking spaces shall be provided for each operator. Such parking spaces shall be screened from adjoining roads and properties and shall be located in the rear yard;
- 406.5. The site shall front on an arterial or collector road as listed in Section 314 of this Ordinance; and,
- 406.6. One sign is permitted which shall not exceed three (3) square feet in total sign area. Such sign shall be set back at least two (2) feet from every property line.

SECTION 407 BED AND BREAKFASTS

- 407.1. Within the (R-1, R-H & C-1) Zones, bed and breakfasts, as defined herein, are permitted by special exception, subject to the following criteria:
- 407.2. Bed and breakfasts may only be established in buildings as they existed on the effective date of this Ordinance. No modifications or enlargements to the external appearance of the building which would alter its residential character, shall be permitted;
- 407.3. No more than four (4) guest bedrooms shall be permitted;

Note: The above Section 407.3. was amended on May 14, 2019, by Ordinance No. 2019-1.)

- 407.4. Guest rooms shall only be rented for days and nights that the owner occupies the dwelling;
- 407.5. All floors above and below grade shall have direct means of escape to ground level. Fire escapes, where required, shall not be located and affixed to the front walls of the building;
- 407.6. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit. Such spaces shall be located in a side or rear yard and shall be screened from adjoining residentially-zoned properties and any street(s);
- 407.7. All parking areas shall be set back a minimum of five (5) feet from all property lines and screened from adjoining residentially-zoned properties and any street(s);
- 407.8. A bed and breakfast may erect one (1) sign no larger than three (3) square feet in size. Such sign must be set back two (2) feet from all lot lines; and,
- 407.9. The applicants shall furnish evidence of an approved means of sewage disposal and water supply prior to occupancy.

SECTION 408 BILLBOARDS

- 408.1. Within the (I) Zone, billboards are permitted by conditional use, subject to the following criteria:
- 408.2. No billboard shall be located within one thousand (1,000) feet of another billboard;
- 408.3. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines;
- 408.4. All billboards shall be set back at least thirty-five (35) feet from any street right-of-

way lines;

- 408.5. All billboards shall be set back at least one hundred (100) feet from any land within a residential zone;
- 408.6. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification;
- 408.7. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height; and,
- 408.8. Lighting shall be arranged so to prevent glare on adjoining residentially-zoned properties and roads.

SECTION 409 BOARDING HOUSES

- 409.1. Within the (R-3) Zone, boarding houses within owner-occupied buildings are permitted by special exception, subject to the following criteria:
- 409.2. Minimum lot area - Twenty thousand (20,000) square feet;
- 409.3. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used;
- 409.4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted;
- 409.5. All floors above grade shall have direct means of escape to ground level;
- 409.6. One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 409.7. All parking areas shall be set back a minimum of fifteen (15) feet from all property lines and such parking shall be screened from adjoining residentially-zoned properties and any street(s);
- 409.8. Meals shall be offered only to registered tenants and their guests; and,
- 409.9. No signs advertising the use shall be permitted.

SECTION 410 CAR WASHES

- 410.1. Within the (C-2) Zone, car washes are permitted by special exception, subject to the

following criteria:

- 410.2. Public sewer facilities shall be utilized and private on-lot recycled water systems are encouraged;
- 410.3. Each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane between the frontage and the entrance to the wash bay;
- 410.4. All structures housing washing apparatuses shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line;
- 410.5. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter; and,
- 410.6. The subject property shall front on an arterial or collector road, as identified in Section 314 of this Ordinance.

SECTION 411 CHURCHES AND RELATED USES

- 411.1. Within the (R-1, R-H and R-3) Zones, churches and related uses are permitted by special exception, subject to the following criteria:
- 411.2. House of Worship:
 - 1. Minimum lot area - One (1) acre;
 - 2. Minimum lot width - Two-hundred (200) feet;
 - 3. All houses of worship shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

(Note: The above Section 411.2.3. was revised on September 8, 1998, by Ordinance No. 1998-4.)

- 4. Side yard setback - Fifty (50) feet on each side; and,
- 5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line;

411.3. Church Related Residences (Rectories and Convents):

1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship; and,
2. All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences within the underlying zone;

411.4. Church-Related Educational or Day-Care Facilities:

1. All educational or day-care uses shall be accessory, and located upon the same lot as a house of worship;
2. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
4. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
5. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone;
6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six students enrolled below grade ten, and/or one (1) off-street parking space for each three students, grades ten and above; and,
7. The applicant shall furnish evidence that all licenses have been obtained; and,

411.5. Cemeteries:

1. All burial plots or structures shall be located at least twenty (20) feet from any property line or street line;

2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
3. No burial plots or facilities are permitted in floodplain or flood fringe areas.

SECTION 412 COMMERCIAL DAY-CARE FACILITIES

- 412.1. Within the (R-3, C-1 and C-2) Zones, commercial day-care facilities are permitted by special exception, or within the (R-1 and R-H) Zones, they are permitted by conditional use, subject to the following criteria:
- 412.2. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s);
- 412.3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
- 412.4. Passenger “drop-off” and “pickup” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- 412.5. One off-street parking space shall be provided for each six (6) students enrolled;
- 412.6. The subject property must front along a collector or arterial road as identified on the Official Zoning Map;
- 412.7. The proposed use shall obtain all necessary State licenses and permits; and,
- 412.8. Within the (R-H) Zone, commercial day-care facilities shall only be conducted within buildings that existed on the effective date of this Ordinance, and signs shall not exceed six (6) square feet in total sign area.

SECTION 413 COMMERCIAL RECREATION FACILITIES

- 413.1. Within the (REC and C-2) Zones, commercial recreation facilities are permitted by conditional use, subject to the following criteria:

- 413.2. If the subject property contains more than two acres, the facility shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

Note: The above Section 413.2. was revised on September 8, 1998, by Ordinance No. 1998-4.)

- 413.3. Those ses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- 413.4. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy;
- 413.5. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution;
- 413.6. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 310. In addition, the Borough Council may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 413.7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Borough Council determines that traffic backups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Borough Council can require the applicant to revise means of access to relieve the undue congestion; and,
- 413.8. Any outside pedestrian waiting lines shall be provided with a means of shade.

SECTION 414 CONVERSION APARTMENTS

- 414.1. Within the (R-1 and R-H) Zones, conversion apartments shall be permitted by conditional use, subject to the following criteria:
- 414.2. Conversion apartments shall only be permitted within buildings that contained four thousand (4,000) or more square feet of habitable floor area on the effective date of this Ordinance. (See Section 440, Two-Family Conversions, for another conversion option);
- 414.3. All dwelling units within the conversion apartment building shall contain at least 750 square feet of habitable floor area;
- 414.4. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 414.5. Any modifications to the external appearance of the building will require approval by the Historic Architectural Review Board;
- 414.6. All floors above or below grade shall have direct means of escape to ground level;
- 414.7. Two (2) off-street parking spaces per unit shall be provided;
- 414.8. The applicant shall obtain any required land development approvals; and,
- 414.9. Fire escapes, where required, shall only be provided in the rear yard and attached to the building's rear wall.

SECTION 415 DRIVE-THRU AND/OR FAST-FOOD RESTAURANTS

- 415.1. Within the (C-2) Zone, drive-thru and/or fast food restaurants are permitted by conditional use, subject to the following criteria:
- 415.2. The subject property shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

(Note: The above Section 415.2. was revised on September 8, 1998, by Ordinance No. 1998-4.)

- 415.3. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for

the clean-up of litter;

- 415.4. All drive-thru window-lanes shall have at least sufficient space to stack ten vehicles waiting to order and shall be separated from the parking lot's interior driveways by the use of curbs and/or planting islands;
- 415.5. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;
- 415.6. All exterior seating/play areas shall be completely enclosed by a three-foot-high fence; and,
- 415.7. No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.

SECTION 416 DRY CLEANERS AND LAUNDRY STATIONS

- 416.1. Within the (C-1) Zone, dry cleaners and laundry stations are permitted by special exception, subject to the following criteria:
- 416.2. All activities shall be limited to the drop-off and pickup of articles to be cleaned, pressed or altered. Only pressing and/or altering shall be permitted, on site.

SECTION 417 FAMILY DAY-CARE FACILITIES

- 417.1. Within the (R-1, R-2, R-3, and CO) Zones, and within Village Overlay Developments, family day-care facilities are permitted by special exception, subject to the following criteria:

(Note: The above Section 417.1. was revised on May 11, 1999, by Ordinance No. 1999-3.)

- 417.2. All family day-care facilities shall be conducted within a detached single-family dwelling;
- 417.3. A family day-care facility shall offer care and supervision by the occupant to no more than six (6) different minors during any calendar day;
- 417.4. All family day-care facilities with enrollment of more than three (3) minors shall furnish a valid registration certificate for the proposed use, issued by the Pennsylvania Department of Public Welfare;
- 417.5. An outdoor play area no less than four hundred (400) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. A minimum four-foot-high fence shall completely enclose the outdoor

play area. Any vegetative materials located within the outdoor area shall be free of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade such as a tree(s) or pavilion; and,

- 417.6. Passenger “drop-off” and “pickup” areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

SECTION 418 FUNERAL HOMES

- 418.1. Within the (C-1 and C-2) Zones, funeral homes are permitted by special exception, subject to the following criteria:
- 418.2. Public sewer and water facilities shall be utilized; and,
- 418.3. Sufficient off-street parking shall be provided to prevent traffic backups onto adjoining roads.

SECTION 419 HEALTH AND RECREATION CLUBS

- 419.1. Within the (C-2) Zone, health and recreation clubs are permitted by conditional use, subject to the following criteria:
- 419.2. Minimum lot area - Two (2) acres;
- 419.3. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;
- 419.4. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any residentially-zoned properties;
- 419.5. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building; and,
- 419.6. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

SECTION 420 HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES

- 420.1. Within the (I) Zone, heavy equipment sales, service and/or repair service facilities are permitted by conditional use, subject to the following criteria:

- 420.2. All service and/or repair activities shall be conducted within a wholly-enclosed building;
- 420.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 420.4. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 420.5. All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface;
- 420.6. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment vehicles on the property is prohibited;
- 420.7. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property; and,
- 420.8. All vehicles shall be repaired and removed from the premises promptly.

SECTION 421 HEAVY INDUSTRIAL USES

- 421.1. Within the (I) Zone, heavy industrial uses are permitted by conditional use, subject to the following criteria:
- 421.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 - 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels

as regulated by applicable laws and ordinances; and,

4. A traffic study prepared by a professional traffic engineer as detailed in Section 316 of this Ordinance.

SECTION 422 HOME IMPROVEMENT AND BUILDING SUPPLY STORES

- 422.1. Within the (C-2) Zone, home improvement and building supply stores are permitted by special exception, subject to the following criteria:
- 422.2. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties; and,
- 422.3. If the subject property contains more than one (1) acre, the subject property shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

(Note: The above Section 422.3. was revised on September 8, 1998, by Ordinance No. 1998-4.)

SECTION 423 HOME OCCUPATIONS

- 423.1. Within the (R-H, R-1, R-2, R-3, CO, and C-1) Zones, and within Village Overlay Developments, home occupations are permitted by special exception, subject to the following criteria:

(Note: The above Section 423.1. was revised on May 11, 1999, by Ordinance No. 1999-3.)

- 423.2. Only one (1) home occupation shall be permitted per owner-occupied dwelling unit;
- 423.3. Only resident employees shall be permitted;
- 423.4. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit;
- 423.5. No off-street parking, besides those required for the residence, shall be permitted;
- 423.6. Within the R-1 Zone, retail sales shall be limited to goods and services that are

produced or repaired on the site. No more than fifty (50) square feet of retail display area shall be permitted. No goods shall be visible from the outside of the dwelling;

- 423.7. Except within the C-1 Zone, the area used for the practice of a home occupation shall occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling building. Within the C-1 Zone, home occupations shall occupy no more than fifty percent (50%) of the total floor area of the dwelling;
- 423.8. No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the property line;
- 423.9. No external storage of materials or products shall be permitted. No storage in accessory structures or attached garages shall be permitted;
- 423.10. The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling; and,
- 423.11. One non-illuminated sign, not to exceed two (2) square feet in display area, shall be permitted.

SECTION 424 HOSPITALS

- 424.1. Within the (C-2) Zone, hospitals are permitted by special exception, subject to the following criteria:
- 424.2. Minimum lot area - Two (2) acres;
- 424.3. Public sewer and water shall be used;
- 424.4. The subject property shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

(Note: The above Section 424.4. was revised on September 8, 1998, by Ordinance No. 1998-4.)

- 424.5. All buildings and structures shall be set back fifty (50) feet from all property lines;

- 424.6. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties; and,
- 424.7. The applicant shall demonstrate the use of approved means of disposal of medical and hazardous wastes.

SECTION 425 JUNK YARDS

- 425.1. Within the (I) Zone, junk yards are permitted by conditional use, subject to the following criteria:
- 425.2. Minimum lot area - Five (5) acres;
- 425.3. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight-foot-high sight-tight fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially-zoned properties;
- 425.4. The setback area between the fence and the lot lines shall be maintained as a landscape strip and kept free of weeds and all scrub growth;
- 425.5. All wholly-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines;
- 425.6. No material may be stored or stacked so that it is visible from adjoining properties and roads;
- 425.7. All additional Federal and State laws shall be satisfied;
- 425.8. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet;
- 425.9. No oil, grease, tires, gasoline, or other similar material shall be burned at any time;
- 425.10. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors; and,
- 425.11. No junk yard shall be located on land with a slope in excess of five percent (5%).

SECTION 426 MINI-WAREHOUSES

- 426.1. Within the (C-2) Zone, mini-warehouses are permitted by special exception, subject to the following criteria:

- 426.2. Off-street parking spaces shall be provided according to the schedule listed in Section 310 of this Ordinance;
- 426.3. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane;
- 426.4. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;
- 426.5. All storage shall be kept within an enclosed building, except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- 426.6. An on-site manager shall be required to occupy the site during normal working hours and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances;
- 426.7. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;
- 426.8. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property;
- 426.9. Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
1. Auctions, commercial wholesale or retail sales, or garage sales;
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
 4. The establishment of a transfer and storage business; and,

5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all mini-warehouses' rental and/or use contracts shall specifically prohibit these uses.

SECTION 427 MOBILE HOME PARKS

- 427.1. Within the (R-3) Zone, mobile home parks are permitted by conditional use, subject to the following criteria:
- 427.2. A mobile home park shall contain a minimum of five (5) acres;
- 427.3. All mobile home parks shall be served by public water and public sanitary sewer facilities;
- 427.4. Maximum density in a mobile home park shall be (5.8) units per acre;
- 427.5. All mobile home lots shall contain at least 4,250 square feet;
- 427.6. Each mobile home lot shall have a minimum front yard of thirty (30) feet, rear yard of twenty (20) feet, and two sides of ten (10) feet each. In no case shall the distance between any two mobile homes be less than twenty (20) feet (these setbacks shall also apply to mobile home park offices, service, utility, or other buildings);
- 427.7. All mobile home parks shall be provided with a perimeter landscape buffer strip that is at least fifty (50) feet wide. Such width shall be measured from adjoining property and rights-of-way lines;
- 427.8. Each mobile home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the mobile home it is to support. Each pad shall include properly designed utility connections. Protective skirting shall be placed around the area between the pad and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, to allow the creation of a fire hazard, or to expose unsightly conditions;
- 427.9. Every mobile home shall be anchored to the mobile home stand where it is located prior to the unit being occupied, and no more than seven (7) days from the arrival of the mobile home. The anchoring system shall be designed by a registered professional engineer to prevent tilting of the unit and resist a minimum wind velocity of ninety (90) miles per hour;
- 427.10. Each mobile home shall be provided with a minimum of two (2) paved parking spaces containing at least one hundred eighty (180) square feet of bituminous or concrete surface which shall be located on the mobile home lot. If on-street

parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. Access to all parking spaces shall be limited to interior roads of the mobile home park; in no case shall access to such parking spaces be provided from adjoining public roads.

- 427.11. Interior mobile home park roads with no on-street parking shall be paved with an all-weather, dust-free surface at least twenty-four (24) feet wide. An additional width of ten (10) feet shall be provided for each lane of on-street parking;
- 427.12. Individual mobile home owners may install one (1) accessory or storage shed, or extensions and additions to mobile homes, and exterior patio areas. Any such facilities so installed shall not intrude into any required front, side, or rear yard and, in every case, shall substantially conform in style, quality, and color to the existing mobile homes;
- 427.13. There shall be a minimum of twenty-five percent (25%) of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or the operator. Should the landowner and/or the operator neglect to maintain the designated recreational area as depicted on the plan, the Borough may then maintain said areas and assess the landowner for any costs incurred;
- 427.14. A visual screen shall be placed along the mobile home park boundaries that adjoin other residentially-zoned properties. Such screen can consist of sight-tight fencing, vegetative materials, or earthen berms that are so arranged to effectively block the views from ground level on adjoining properties. Screening shall be provided between ground level and at least a height of six (6) feet. If sight-tight fencing is used, it shall not encompass more than fifty percent (50%) of the total surface area of the required screen; and,
- 427.15. No mobile home park shall be located within 300 feet of any R-H Zone.

SECTION 428 MULTIPLE-FAMILY DWELLINGS

- 428.1. Within the (R-3) Zone, multiple-family dwellings are permitted by conditional use, subject to the following criteria:
- 428.2. Minimum lot area - Two (2) acres;
- 428.3. All units must be connected to public sewer and public water systems;
- 428.4. Maximum density - Six (6) dwelling units per acre;
- 428.5. Minimum lot width - One hundred (100) feet at the lot frontage and two hundred

(200) feet at the building setback line;

428.6. Maximum lot coverage - Sixty percent (60%);

428.7. Setbacks - All buildings, dumpsters and other waste collection receptacles shall be set back at least fifty (50) feet from every property line. Off-street parking and loading shall be set back at least twenty-five (25) feet from every property line. Interior building setbacks shall be as follows:

1. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end;
2. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet; and,
3. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings;

428.8. Maximum permitted height - Thirty-five (35) feet for principal buildings; and,

428.9. All units shall be separated by a fire wall from ground to roof as regulated by the latest version of the *BOCA Code*.

SECTION 429 NIGHTCLUBS

429.1. Within the (C-2) Zone, nightclubs are permitted by conditional use, subject to the following criteria;

429.2. No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land;

429.3. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter;

429.4. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building; and,

429.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 430 NURSING, REST OR RETIREMENT HOMES

- 430.1. Within the (R-3 and C-3) Zones, nursing, rest or retirement homes are permitted by special exception, subject to the following criteria:
- 430.2. Minimum lot area - One (1) acre, and further provided that no more than twenty (20) resident patients or resident guests shall be permitted per acre of lot area;
- 430.3. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 430.4. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands; and,
- 430.5. At least twenty percent (20%) of required parking spaces shall be designed for handicapped persons as prescribed in Section 315 of this Ordinance.

SECTION 431 OFFICE CONVERSIONS

- 431.1. Within the (R-H and R-1) Zones, one (1) office conversion of an owner-occupied detached dwelling that existed on the effective date of this Ordinance is permitted by special exception, subject to the following criteria:
- 431.2. No exterior modification to the building (except for fire escapes) shall be permitted;
- 431.3. The site shall front on, and have vehicular access to, a collector or arterial road as listed in Section 314 of this Ordinance;
- 431.4. Off-street parking shall be provided in the rear or side yards and shall be screened from adjoining roads and properties;
- 431.5. One sign shall be permitted not exceeding six (6) square feet in total sign area;
- 431.6. All activities must be conducted within a wholly-enclosed building; and,
- 431.7. The office conversion shall occupy no more than fifty percent (50%) of floor area or area contained within the first floor, whichever is less.

SECTION 432 OUTDOOR THEATERS

- 432.1. Within the (C-3) Zone, outdoor theaters shall be permitted by conditional use, subject to the following criteria:
- 432.2. No drive-in movie theaters shall be permitted;
- 432.3. No part of the subject property shall be located within two hundred (200) feet of

any residentially-zoned land;

- 432.4. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter;
- 432.5. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise and/light;
- 432.6. A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 432.7. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy;
- 432.8. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 310.7. In addition, the Borough Council may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 432.9. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Borough Council determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Borough Council can require the applicant to revise means of access to relieve the undue congestion; and,
- 432.10. Any outside pedestrian waiting lines shall be provided with a means of shade.

SECTION 433 PRIVATE CLUBS

- 433.1. Within the (C-1) Zone, the conversion of buildings that existed on the effective date of this Ordinance to private clubs shall be permitted by special exception, subject to the following criteria:
- 433.2. No exterior modification to the building (except for fire escapes) shall be permitted;
- 433.3. The subject property shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject

property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance;

(Note: The above Section 433.3. was revised on September 8, 1998, by Ordinance No. 1998-4.)

- 433.4. Off-street parking shall be provided in the rear or side yards and shall be screened from adjoining roads and properties;
- 433.5. One sign shall be permitted not exceeding ten (10) square feet in total sign area; and,
- 433.6. All activities must be conducted within a wholly-enclosed building.

SECTION 434 PRIVATE SCHOOLS

- 434.1. Within the (R-3) Zones, private schools are permitted by special exception, subject to the following criteria:
- 434.2. All height, area, setback, and coverage standards within the underlying zone shall apply;
- 434.3. All off-street parking lots shall be screened from adjoining residentially-zoned properties;
- 434.4. If education is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back ten (10) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such a shade tree(s) or pavilion(s). Enrollment shall be defined as the largest number of students on the site at any one time during a seven-day period; &
- 434.5. Passenger “drop-off” and “pickup” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

SECTION 435 RECYCLING STATIONS FOR PAPER, PLASTIC, GLASS, AND METAL PRODUCTS

- 435.1. Within the (I) Zone, recycling of paper, plastic, glass, and metal products is permitted by conditional use, subject to the following criteria:

- 435.2. All operations, including collection, shall be conducted within a wholly-enclosed building;
- 435.3. There shall be no outdoor storage of materials used, or generated, by the operation;
- 435.4. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust, and litter; and;
- 435.5. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.

SECTION 436 SHOPPING CENTERS

- 436.1. Within the (C-2 and C-3) Zones, shopping centers may be permitted by conditional use, subject to the following criteria:
- 436.2. The subject property shall front on and gain access from an arterial or collector road as identified in Section 314 of this Ordinance, provided, however, that if the subject property fronts on a controlled access arterial road, access shall be gained from a shared access drive, feeder road, or in another manner in accordance with the requirements of the Borough Subdivision and Land Development Ordinance unless direct access to the controlled access arterial road is permitted by the Borough Subdivision and Land Development Ordinance. All access drives shall be located at least two hundred (200) feet from the intersection of any street right-of-way lines. At least two separate points of ingress and egress shall be provided, one of which may be located on a local road;
(Note: The above Section 436.2. was revised on September 8, 1998, by Ordinance No. 1998-4.)
- 436.3. Both public sewer and public water utilities shall be required;
- 436.4. The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Leasable Floor Area	Minimum Required Interior Landscaping As Described in Section 603.14 of the SLDO	Minimum Required Off-Street Loading Spaces
Shopping center, as defined herein, with up to 50,000 square feet of gross floor area.	5.5	5%	1 per 25,000 square feet, or fraction thereof, of gross leasable floor area
Shopping center, as defined herein, with greater than 50,000 & less than 100,000 square feet of gross floor area.	6.5	10%	1 per 20,000 square feet, or fraction thereof, of gross leasable floor area
Shopping center, as defined herein, with 100,000 or greater square feet of gross floor area.	7.5	15%	5 plus 1 per 50,000 square feet, or fraction thereof, of gross leasable floor area over 100,000 square feet

- 436.5. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas;
- 436.6. Any shopping center must provide an improved bus stop which provides for safe pedestrian access to the shopping center and is conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and a means of shade;
- 436.7. A traffic study shall be submitted by the applicant in accordance with Section 402.05.4 of the SLDO. In addition, the applicant shall provide a means of safe and convenient access to the site for non-motorized vehicles;
- 436.8. The applicant shall submit qualified expert evidence of the market area and demand for the shopping center, and further that the operation of the proposed use is not likely to result in the elimination or failure of a substantial number of existing retail businesses within the Borough; and,
- 436.9. The proposed shopping center design and signage shall comply with the applicable regulations contained within the following two tables:

SHOPPING CENTER DESIGN REQUIREMENTS										
Use	Minimum Required Lot Area	Minimum Required Lot Width	Minimum Required Lot Depth	Required Minimum Yard Setbacks				Minimum Required Setback from Residential District	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
				Front, as Measured from Street R.O.W.	One Side	Both Sides	Rear			
Shopping center, as defined herein, with up to 20,000 square feet of gross floor area.	1 acre	100 ft. at the building setback line	150 ft.	35 ft. for buildings & structures (except permitted signs and bus stops); 20 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	25 ft. for buildings & structures (except permitted signs and bus stops); 15 ft. for off-street parking & loading spaces & dumpsters	50 ft. for buildings & structures (except permitted signs and bus stops); 30 ft. for off-street parking & loading spaces & dumpsters	20 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters	65%	35 ft.
Shopping center, as defined herein, with greater than 20,000, and up to 50,000, square feet of gross floor area.	2 acres	250 ft. at the building setback line	250 ft.	35 ft. for buildings & structures (except permitted signs and bus stops); 20 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	25 ft. for buildings & structures (except permitted signs and bus stops); 15 ft. for off-street parking & loading spaces & dumpsters	50 ft. for buildings & structures (except permitted signs and bus stops); 30 ft. for off-street parking & loading spaces & dumpsters	25 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters	65%	35 ft.
Shopping center, as defined herein, with greater than 50,000 & less than 100,000 square feet of gross floor area.	6 acres	300 ft. at the building setback line	500 ft.	50 ft. for buildings & structures (except permitted signs and bus stops); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	30 ft. for buildings & structures (except permitted signs and bus stops); 20 ft. for off-street parking & loading spaces & dumpsters	60 ft. for buildings & structures (except permitted signs and bus stops); 40 ft. for off-street parking & loading spaces & dumpsters	30 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking	60%	35 ft.
Shopping center, as defined herein, with 100,000 or greater square feet of gross floor area; however, in no case shall any one unit of occupancy contain more than 100,000 square feet of gross leasable floor area.	14 acres	500 ft. at the building setback line	750 ft.	100 ft. for buildings & structures (except permitted signs and bus stops); 40 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	40 ft. for buildings & structures (except permitted signs and bus stops); 25 ft. for off-street parking & loading spaces & dumpsters	80 ft. for buildings & structures (except permitted signs and bus stops); 50 ft. for off-street parking & loading spaces & dumpsters	40 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street parking	55%	35 ft.

SHOPPING CENTER SIGN REQUIREMENTS

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Other Requirements	Zoning Permit Required
Freestanding shopping center sign	1 per street front-age with entrance or exit	1 square foot for each 4 lineal feet of frontage within the shopping center, with a maximum of 200 square feet	20 feet	42 inches	This sign shall devote no less than 50 percent of the total sign area (per side) to the advertisement of the shopping center's name. This sign shall be set back at least a horizontal distance from each property line equal to its height.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of storefront.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached.	42 inches	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 square feet per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached.	20 inches	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	12 inches	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20 percent of wall area to which sign is attached.	Height of wall to which sign is attached.	28 inches	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes

SECTION 437 [RESERVED FOR FUTURE USE]

**SECTION 438 RESTAURANTS, TAVERNS BREWPUBS AND WINE
RETAIL/TASTING**

(Note: The above Section 438.1. was amended to add restaurants, brewpubs and wine retail/tasting on September 8, 2020 by Ordinance 2020-4.)

438.1. Within the (C-1) Zone, restaurants, taverns, brewpubs and wine retail/tasting are permitted by special exception, subject to the following criteria:

(Note: The above Section 438.1. was amended to add restaurants, brewpubs and wine retail/tasting on September 8, 2020 by Ordinance 2020-4.)

438.2. The subject property shall be screened from any adjoining residentially-zoned land;

438.3. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter;

438.4. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building; and,

438.5. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 439 TRUCK OR MOTOR FREIGHT TERMINALS

439.1. Within the (I) Zone, truck or motor freight terminals are permitted by conditional use, subject to the following criteria:

439.2. Access shall be provided by the applicant between the proposed use and an arterial road, as listed in Section 314 of this Ordinance; and,

439.3. The applicant shall furnish a traffic study prepared by a professional traffic engineer according to Section 316 of this Ordinance.

SECTION 440 TWO-FAMILY CONVERSIONS

440.1. Within the (R-1 and R-H) Zones, a detached single-family dwelling that existed on the effective date of this Ordinance may be converted into two dwelling units by special exception, subject to the following criteria:

440.2. Minimum lot area - Ten thousand (10,000) square feet;

440.3. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;

440.4. No modifications to the external appearance of the building (except fire escapes)

which would alter its residential character, shall be permitted; fire escapes, where required, shall be provided only within the rear yard and attached to the building's rear wall;

- 440.5. All floors above and below grade shall have direct means of escape to ground level;
- 440.6. Two (2) off-street parking spaces per unit shall be provided;
- 440.7. The applicant shall obtain any required land development approvals; and,
- 440.8. All units shall contain at least six hundred (600) square feet of habitable floor area.

SECTION 441 VILLAGE OVERLAY DEVELOPMENTS

- 441.1. Purpose - In compliance with Sections 605.(2) and 603.(3) of the Act, this section provides an optional set of design standards that can be applied only to property located within the R-2 and/or R-3 Residential Zones. These optional design standards seek to achieve a “village” type setting that is characteristic of much of the Borough's built environment and heritage. All of the design standards are vital if the “village” atmosphere is to be achieved. While many of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Borough.

Some of the specific development objectives include the design and construction of neighborhoods that:

- 1. are distinct in their incorporation of important natural and cultural features;
- 2. provide for a diversity of housing types, sizes, and costs with particular emphasis on scattered-site affordable housing opportunities;
- 3. provide for convenient vehicular access to the neighborhood's edge but increased reliance upon pedestrian movements within its bounds;
- 4. integrate local businesses and trades to enhance resident convenience and offer limited employment opportunities;
- 5. make efficient use of local infrastructure and services;
- 6. reflect the historic and traditional building styles so abundant with the Borough;
- 7. reserve and feature civic uses and open spaces as community focal points;
- 8. provide safe, efficient, and compatible linkages with existing nearby land uses, streets, sidewalks, etc.
- 9. invite regular and frequent social interaction among its inhabitants;
- 10. provide for a traditional development option that has not been recently available; and,
- 11. blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents.

These development objectives will be used as a measure of conformance with any proposed development;

- 441.2. Relationship to Other Ordinances and Sections of this Zoning Ordinance - The provisions of this section create a conditional use which may be applied to lands within the R-2 and R-3 Zones. They may only be applied to property upon approval by Borough Council and written acceptance by the landowner of all requirements of this section, and any valid conditions of approval attached by Borough Council. Such conditional use establishes different land use and design requirements from those contained in this and other ordinances of the Borough. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this section shall govern. However, all other provisions of this and other ordinances of the Borough shall remain in full force;
- 441.3. Severability and Repealer - Should any part of this Section 441 be declared invalid by the courts, the entire Section 441 shall be automatically repealed;
- 441.4. Review Procedures - Except as provided in Section 441.13., all proposals shall be considered and governed by the application and review procedures for conditional uses according to Section 706 of this Ordinance. The remaining requirements of this section shall be used as the specific criteria for evaluating the approval of any conditional use(s);
- 441.5. Uses Allowed:
1. Public uses and public utilities structures;
 2. Public and/or nonprofit parks and playgrounds;
 3. Churches and related uses;
 4. Single-family detached dwellings;
 5. Duplexes;
 6. Townhouses with no more than four units per building;
 7. Quadraplexes;
 8. Home occupations subject to the criteria listed in Section 423 of this Ordinance;
 9. Family day-care subject to the criteria listed in Section 417 of this Ordinance; and,
 10. Accessory uses customarily incidental to the above permitted uses.
- 441.6. Minimum Area Requirements - All applications shall contain no less than ten (10) contiguous acres. However, applications that expand previously approved Village Overlay Development shall have no minimum area requirements;
- 441.7. Required Mixture of Uses - All Village Overlay Developments shall provide a mixture of uses that conform with the following ratios of net acreage (excluding streets, alleys, and utility rights-of-way):

Use	Required Percentage
Public, Civic, Open Spaces	Minimum 30%
Single-Family Detached Dwellings	Minimum 40%
Other Dwellings (duplexes, townhouses, quadraplexes)	10% — 30%

441.8. Maximum Coverage - In no case shall more than fifty-five percent (55%) of a Village Overlay Development site be covered with buildings and/or other impervious surfaces;

441.9. Residential Design Requirements:

1) Lot Design Standards - See following table:

Permitted Dwelling Type	Maximum Permitted Density (Units/Net Acre)	Minimum Lot Width at Building Line	Maximum Lot Coverage	Front Build-to Line ¹	Required Setbacks ²		
					One Side	Both Sides	Rear
Single-Family Detached	7 ⁴	50 ft.	50% ³	10 ft.	6 ft.	12 ft.	20 ft.
Duplex	7	40 ft. per unit	70%	10 ft.	6 ft. per unit	N/A	20 ft.
Townhouse	7	18 ft. per unit	70%	10 ft.	10 ft. end units	N/A	20 ft.
Quadraplex	7	30 ft. per unit	70%	10 ft.	10 ft. end units	N/A	20 ft.

¹ No less than seventy percent (70%) of a building's front facade (including the front facade of any covered or uncovered porches) must be located on the front build-to line; except, however, no less than fifty percent (50%) of any townhouse or quadraplex building must be located on the front build-to line. Front build-to lines shall be measured between the edges of the street right-of-way and the closest facade of the building, including porches. No part of any building shall extend closer to a street than the front build-to line.

² Required setbacks for accessory structures shall be ten (10) feet from rear lot lines and six (6) feet from side lot lines. No accessory buildings shall be permitted within the front yard.

³ Maximum lot coverage requirements shall not apply to porches located within the front yard.

⁴ Two-family conversions as regulated by Section 440 of this Ordinance shall not be computed as part of the permitted density.

2. Residential Building Design Standards - All residences shall comply with the following:

A. Building Height - All principal residences shall be one and one-half, two, or two and one-half stories in height. Accessory buildings shall be no more than fifteen (15) feet high;

- B. Building Orientation and Porches - All residential buildings' main entrances shall face the lot's front yard. At least fifty (50) percent of all detached dwellings located along a public street within the same block shall include porches within the front yard. When a dwelling with a porch is located on a corner lot, the porch shall extend parallel along both front lot lines;
- C. Residential Building Width - No residential building shall be greater than eighty (80) feet wide as measured parallel, or approximately parallel, with any street line; and,
- D. Architectural Considerations - All proposals must incorporate architectural treatments and styles that complement the Borough's Historic District. All applications shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented to and reviewed by the Borough's Historic Architecture Review Board (HARB). Such descriptions shall be analyzed with the following criteria:

- | | |
|---|--|
| <p>(1) <u>Proportion of Building's Front Facades</u> - The relationship between the width of the front of the building and the height of the front of the building.</p> <p>(2) <u>Proportion of Openings Within the Building</u> - The relationship of width to height of windows and doors.</p> <p>(3) <u>Rhythms of Solids to Voids in the Front Facade</u> - Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.</p> <p>(4) <u>Rhythm of Spacing of Buildings on Streets</u> - In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.</p> <p>(5) <u>Rhythm of Entrance and/or Porch Projections</u> - Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.</p> <p>(6) <u>Relationship of Materials</u> - Within an area, the predominant materials may be brick, stone, stucco, wood siding, or other material.</p> <p>(7) <u>Relationship of Textures</u> - The predominant textures of an area may be smooth, such as stucco, or rough as brick with tooled joints or horizontal wood siding, or other textures.</p> <p>(8) <u>Walls of Continuity</u> - Physical ingredients, such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these form continuous, cohesive walls of enclosures along the street.</p> <p>(9) <u>Relationship of Landscaping</u> - There may be a predominance of a quality and quantity of landscaping,</p> | <p>although emphasis herein shall be with the amounts and continuity of landscaping.</p> <p>(10) <u>Paving Materials</u> - There may be a predominance in the use of brick pavers, cobblestones, granite blocks or others.</p> <p>(11) <u>Directional Expression of Front Elevation</u> - Structural shape, planning of openings and architectural detail may provide a predominantly vertical, horizontal, or non-directional character to the building's facade.</p> <p>(12) <u>Scale</u> - Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches, and balconies, etc.</p> <p>(13) <u>Relationship of Color</u> - Insofar as the mass and detail, such as trim, are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.</p> <p>(14) <u>Relationship of Architectural Details</u> - Architectural details and their relationship to the structure in question and adjacent ones, including, but not limited to, cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.</p> <p>(15) <u>Relationship of Roof Shapes</u> - Buildings should have compatible roof shapes, such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.</p> <p>(16) A description of any nonstructural site improvements (buffering, landscaping, and screening) that will be used to protect the integrity of the historic resources.</p> |
|---|--|

3. Vehicular Access and Parking Requirements for Residences - All driveways and off-street parking shall be provided within the rear yard. However, one joint-use driveway shall be permitted to extend into the front yard to connect with the public street, along a common lot line serving at least three (3) adjoining residences. Driveway widths shall range between ten (10) and twelve (12) feet. In no case shall any joint-use driveway serve more than four (4) dwelling units.

For purposes of this section, Section 308 of this Ordinance is partially waived to allow the creation of dwelling lots that do not have public street frontage; however, such lots must front along a commonly-held pedestrian path, and have direct access to a public alley, or a joint-use driveway. In such cases, the lot's front yard shall be that which is along the common pedestrian path. Furthermore, the lot's front build-to line shall be measured from the edge of the common pedestrian path;

4. All mail and newspaper boxes shall be attached to the building's front facade; and,
5. No residential swimming pools, except portable "kiddie pools," shall be permitted;

441.10. Open Space Design Requirements - As specified in Section 441.7., no less than thirty percent (30%) of the total development site's net acreage shall be devoted to public, civic, and open space uses. The following standards shall also be applied to these areas.

1. Of the total thirty percent (30%) required, no less than _ shall be used for commonly-held public open spaces. The remaining _ shall be reserved for "developed" public and civic uses, such as playgrounds, picnic pavilions, neighborhood parks, public schools, churches, meeting halls, swimming pools, libraries, museums, and other similar uses;
2. The location and design of required public open spaces shall be largely determined by a proper site planning process. As part of this process, applicants shall be required to prepare a natural and cultural features inventory of the site. Qualified experts must identify and plot each of the following found on the proposed site:
 - 100-year floodplains
 - steep slopes [greater than fifteen percent (15%)]
 - wetlands, streams, ponds, or other water bodies
 - sinkholes, caves, vistas, or other significant geologic features
 - threatened or endangered species habitats
 - archaeologic resources
 - historic resources
 - significant stands of mature trees

From this inventory and plot, it shall be incumbent upon the applicant to demonstrate that the proposed schematic design of the Village Overlay Development minimizes disturbance of, but integrates, these features to provide a safe and attractive network of common pedestrian paths that link areas within the proposed development and connect with nearby uses of the Borough. All common pedestrian paths shall consist of an all-weather durable surface that is at least six (6) feet wide;

3. For applications involving thirty (30) or more acres, community-oriented recreation facilities shall be required. Such community recreation facilities shall include uses that serve the entire Borough, rather than just the residents of the proposed development. Examples of such uses could include, but not be limited to, multiple athletic fields, bandshells, community centers, skating rinks, community gardens, swimming pools, etc.;
4. An essential element of the Village Overlay Development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication, or to be owned by the specific form of organization proposed. The common open space shall be owned and maintained in a manner required by Section 317 of this Ordinance;

441.11. Streets, Sidewalks and Alleys - Within the Village Overlay Development, the following design standards shall be applied to streets, sidewalks, and alleys:

1. The following table lists required street, sidewalk, and alley widths:

Number of Travel Lanes	Number of Parallel Parking Lanes	Required Cartway Width	Required Sidewalk Width ¹	Required R.O.W. Width
2	2	28 ft.	20 ft.	48 ft.
2	1	22 ft.	20 ft.	42 ft.
1	2	26 ft.	20 ft.	46 ft.
1	1	18 ft.	20 ft.	38 ft.
2-way alleys	0 ²	14 ft.	0	14 ft.
1-way alleys	0 ²	11 ft.	0	11 ft.

¹ Sidewalks shall be provided along both sides of any public street. Such sidewalks shall be five (5) feet wide and separated from the edge of the cartways by vertical curbs. See Section 441.11.4.

² No parking shall be permitted within alleys.

2. Where practicable, the design of streets, alleys, and sidewalks should provide for through traffic and pedestrian movements, and should interconnect with existing nearby streets, alleys, and sidewalks. The use of

cul-de-sac streets and alleys is forbidden, unless accompanied by plans of future adjacent street connections;

3. All public streets that connect with existing arterial or collector roads (as listed in Section 314 of this Ordinance), and/or act as collector roads within the proposed development, shall be designed with a minimum centerline turning radius of one hundred and fifty (150) feet. All other roads shall be designed with a minimum centerline turning radius of eighty (80) feet; and,
4. Both sides of all public streets shall be lined with five (5) foot wide sidewalks, and five (5) foot wide sidewalk planting strips. Sidewalks and sidewalk planting strips should weave beside, and in-and-out of, one another. At driveway, access drive, and street intersections, all sidewalks shall include aprons for access by handicapped persons according to standards contained within the latest version of the Pennsylvania Universal Accessibility Standards. Sidewalk planting strips shall stop no less than twenty (20) feet from the curb line of an intersecting street; in these areas, ten (10) foot wide sidewalks shall be provided. In addition, sidewalk planting strips can be replaced with ten (10) foot wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and access points of public uses and parks). One shade tree shall be provided every fifty (50) feet, or fraction thereof, of linear sidewalk planting strip;

441.12. Public Utility and Service Requirements - All proposals within the Village Overlay Development must comply with the following:

1. Both public sewer and public water shall be used throughout the development;
2. Where practicable, the retention and regenerative percolation of storm water runoff shall be located within common passive open spaces;
3. All utility lines shall be located underground and within public streets, alleys, or other public rights-of-way. Any required utility structures, buildings, pump stations, transformers, or other similar devices shall be screened from adjoining properties and roads;
4. All public streets shall be provided on one, or both, side(s) with street lights. Such street lights shall be placed every one hundred (100) lineal feet and shall be of such design and light intensity to complement the Borough's historic character;
5. Bus stops shall be placed at appropriate location(s) along major roads serving the proposed development. Their distribution shall be such that no residence within the development shall be situated more than one thousand (1,000) feet from its bus stop. Furthermore, the selection of bus stops shall

be logically connected with any existing bus routes. Bus stops shall consist of a minimum pedestrian node consisting of one ten by twenty (10 x 20) foot sidewalk section, one permanently anchored park bench, and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently serve the area;

6. Applicants must develop and map a plan for the removal of snow from public streets, sidewalks, common pedestrian paths and courtyards, and alleys. Such plan must identify snowplow-drop locations and where vehicles will be stored during snow emergency periods; and,
7. Applicants are required to present their plans to the local Fire Chief whose Department would provide first-call service to the proposed development. The Fire Chief is encouraged to provide input and recommendations to the applicant that would assist the delivery of emergency fire protection;

441.13. Subsequent Revisions Within the Village Overlay Development:

1. Except as provided in the next Sections 441.13.2. and 441.13.3., any change proposed within a previously approved Village Overlay Development will require the obtainment of a conditional use according to the procedures and standards listed in Section 706 of this Ordinance. The evaluation of such conditional use will be based upon its compliance with the specific requirements of Section 441 and other applicable provisions of this Ordinance, as well as any conditions of approval attached to the original approval;
2. Minor revisions of existing uses which were previously approved as part of a Village Overlay Development are permitted by right, if they:
 - A. do not violate any design standards specifically imposed upon the proposed use and its site;
 - B. do not change any principal use;
 - C. do not violate any of the standards imposed upon the entire development;
 - D. do not violate any conditions attached to the original approval of the Village Overlay Development;
 - E. are reviewed and approved by the Borough's Historic Architecture Review Board as not adversely affecting the Borough's historic integrity; and
3. The following accessory uses may be established by special exception, subsequent to approval of a Village Overlay Development, subject to their respective specific criteria and the rules and procedures of Section 604.3. of this Ordinance:

- A. Home occupations (see Section 423 of this Ordinance); and,
- B. Family day-care (see Section 417 of this Ordinance).

441.14. Departures from Design Standards:

1. In reviewing and approving conditional uses for the Village Overlay Development, the Borough Council may allow departures or waivers of design standards to this Section 441 when the applicant can conclusively demonstrate, and the Borough Council concurs that:
 - A. Such departures or waivers of design standards better serve the intended purposes of this section, as expressed in Section 441.1.;
 - B. Such departures or waivers of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Village Overlay Development;
 - C. Such departures or waivers will not result in an increase in residential densities permitted for the site; and,
 - D. The extent of departure or waiver provides the minimum amount of relief necessary to ensure compliance with the preceding criteria 441.14.1.A.—C.

**SECTION 442 WAREHOUSING AND WHOLESALE TRADE
ESTABLISHMENTS**

442.1. Within the (I) Zone, warehousing and wholesale trade establishments are permitted by conditional use, subject to the following criteria:

442.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:

1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
2. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
3. Any environmental impacts that are likely to be generated (e.g., noise,

smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances; and,

4. A traffic study prepared by a professional traffic engineer shall be provided in accordance with Section 316 of this Ordinance.

SECTION 443 PRIMARY CARE MEDICAL PRACTICES

- 443.1. Within the (CO) Zone, primary care medical practices are permitted by conditional use, subject to the following criteria:

(Note: The above Section 443.1. was revised on May 11, 1999, by Ordinance No. 1999-3.)

- 443.2. The minimum lot area shall be one (1) acre, and the maximum lot area shall be two (2) acres;
- 443.3. All buildings shall be set back at least fifty (50) feet from all property lines;
- 443.4. No more than fifty (50%) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 443.5. No more than five medical professionals shall maintain offices in the primary care medical practice;
- 443.6. Off-street parking and loading areas shall be screened from adjoining properties;
- 443.7. The primary care medical practice shall connect to and utilize public sewer and water systems;
- 443.8. Any portion of the lot not used for the building, structures, parking lots or sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings in accordance with Section 312 of this Ordinance;
- 443.9. All dumpsters shall be set back a minimum of fifty (50) feet from all property lines and shall be screened from adjoining properties and the street; and,
- 443.10. The applicant shall demonstrate the use of and adequate arrangements for an approved means of disposal of medical and hazardous wastes.

(Note: The above Section 443 was added on November 11, 1997, by Ordinance No. 1997-6.)

SECTION 444 COMMUNICATIONS ANTENNAS AND EQUIPMENT

- 444.1. Within the (R-H) and (C-1) Zones, communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings, shall be permitted by conditional use, and within the (I) Zone communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings, shall be permitted by special exception subject to the following criteria:
- 444.2. The applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
- 444.3. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission or evidence that no such approval is required.
- 444.4. Building mounted communications antennas shall not be located on any building used for residential purposes.
- 444.5. In addition to the other requirements of this Section, building mounted communications antennas shall not be permitted to exceed the height limitations of the applicable Zone by more than twenty (20) feet.
- 444.6. Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 444.7. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 444.8. The applicant shall submit evidence from a Pennsylvania Registered Professional Engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure considering wind and other loads associated with the communications antenna location.
- 444.9. The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure.
- 444.10. The applicant shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications antennas are to be mounted so that installation and maintenance of the communications antennas and communications equipment building can be accomplished.

- 444.11. The applicant proposing communications antennas to be mounted on any existing tower shall completely enclose the tower by an eight (8) foot high nonclimbable fence with a self-locking gate.
- 444.12. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 444.13. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
- 444.14. A communications equipment building shall be subject to the height and setback requirements of the applicable Zone for an accessory structure.
- 444.15. The owner or operator of the communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- 444.16. The communications antennas and related equipment and facilities shall be visually disguised or concealed, and the applicant shall submit testimony on how the communications antennas and related equipment and facilities will be disguised or concealed so that they are not visible from the surrounding area.
- 444.17. The applicant shall submit a plan for the removal of the communications antenna and related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- 444.18. Borough Council or the Zoning Hearing Board, as applicable, may require the applicant to post a maintenance or performance bond in an amount sufficient to secure the installation and maintenance of the communications antenna and related equipment and facilities during their lifetime and removal of the communications antenna and related equipment and facilities when no longer in use.
- 444.19. The installation of communications antennas on any historic property will be permitted only when the communications antennas will be installed using stealth technology and will not be visible to persons looking at the historic property. The applicant shall provide renderings or other diagrams illustrating how the historic property will appear after installation of the communications antenna. Any equipment building or cabinet associated with the communications antenna shall be designed in a manner in keeping with the architecture of the existing structures on the historic property, or all equipment shall be located within an existing structure on the historic property.

- 444.20 The applicant shall demonstrate that the installation of the communications antennas and the erection of any communications equipment building complies with all requirements of the National Historic Preservation Act and shall present copies of applicable communications with the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, including but not limited to the letter of determination. The applicant shall also comply with any relevant provisions of Chapter 4, Part 1, of the Code of Ordinances of the Borough relating to the Borough's Historic District.

(Note: The above Section 444 was added on April 10, 2001 by Ordinance 2001-1.)

SECTION 445 COMMUNICATION TOWERS AND EQUIPMENT

- 445.1. Within the (I) Zone communications towers and equipment shall be permitted by special exception subject to the following criteria:
- 445.2. The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system.
- 445.3. An applicant proposing construction of a new communications tower shall demonstrate that such applicant has made a good faith effort to obtain permission to mount the antenna(s) on an existing structure or communications tower. A good faith effort shall require that applicant contact all owners of potentially suitable structures within a one mile radius of the proposed communication tower site and that one or more of the following reasons for not selecting such existing structure or communications tower apply:
1. The proposed antenna(s) and related equipment would exceed the structural capacity of the existing structure or tower, and reinforcement of such existing structure or tower cannot be accomplished at a reasonable cost.
 2. The proposed antenna(s) and related equipment would cause radio frequency interference with other existing equipment at that location and that such interference cannot be prevented at a reasonable cost.
 3. Such existing structures or towers do not have adequate location, space, access or height to accommodate the proposed antenna(s) and related equipment or to allow it (them) to perform its (their) intended function.
 4. Addition of the proposed antenna(s) and related equipment would result in electromagnetic radiation from such location exceeding applicable standards established by the Federal Communications Commission.
 5. Applicant could not reach a commercially reasonable agreement with the owner of such existing structure or tower.

- 445.4. The Applicant is strongly encouraged to provide a written commitment that it will rent space on a tower to other communications providers to minimize the total number of towers necessary within the region. In order to reduce the number of communications antenna support structures needed in the Borough in the future, any proposed support structure shall be designed to accommodate other users, including, but not limited to, police, fire and emergency services.
- 445.5. The applicant shall demonstrate that the communication tower and all communication antennas to be installed on the communication tower are the minimum height required to function satisfactorily.
- 445.6. Any communication tower shall be set back from each property line a distance equal to its height, but in no circumstances less than fifty (50) feet from any property line. This setback shall also be applicable to guide wire anchors for the communication tower.
- 445.7. All towers shall be completely enclosed by an eight (8) foot high fence and self-locking gate.
- 445.8. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any communication tower onto adjoining properties and/or roads and the wind-borne scattering of ice onto adjoining properties and/or roads. The applicant shall be required to implement construction methods or standards to prevent such occurrences.
- 445.9. Communication towers shall be sited so as to separate them from adjacent activities and structures located on adjoining lots.
- 445.10. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission.
- 445.11. Communication towers which contain communication antennas which are capable of transmitting signals shall not create electrical, electromagnetic, microwave, or other interference off-site.
- 445.12. The applicant shall submit a plan for the removal of the communication tower and all communications antennas on such communication tower and all related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- 445.13. The Zoning Hearing Board may require the applicant to post a maintenance or performance bond in an amount sufficient to secure the installation and maintenance of the communications tower, communications antenna and

related equipment and facilities during their lifetime and removal of the communications tower, communications antenna and related equipment and facilities when no longer in use.

- 445.14. The installation of communication towers and communication antennas on existing structures will be permitted if the installation will not exceed twenty (20) feet above the height of the existing structure.
- 445.15. Attachments to existing structures shall be designed by a Pennsylvania Registered Professional Engineer who shall certify that the proposed installation will not exceed the structural capacity of the building or other structure considering wind and other loads associated with the communications antenna location.
- 445.16. The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure.
- 445.17. A communications equipment cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height.
- 445.18. The installation of a communications tower on any historic property will be permitted only when the communications antennas will be installed using stealth technology. The applicant shall provide renderings or other diagrams illustrating how the historic property will appear after installation of the communications tower. Any equipment building or cabinet associated with the communications tower shall be designed in a manner in keeping with the architecture of the existing structures on the historic property, or all equipment shall be located within an existing structure on the historic property.
- 445.19. The applicant shall demonstrate that the installation of the communications tower and the erection of any communications equipment building complies with all requirements of the National Historic Preservation Act and shall present copies of applicable communications with the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, including but not limited to the letter of determination.
- 445.20. Whenever possible, an alternative tower structure shall be utilized. If substantial evidence is presented that an alternative tower structure is not feasible, then communications towers and antennas shall meet the following requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- 445.21. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 445.22. The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the communications tower, and any other ground level features (such as equipment cabinets or a building).
1. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum height of fifteen (15) feet at maturity.
 2. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- 445.23. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding properties.

(Note: The above Section 445 was added on April 10, 2001 by Ordinance 2001-1.)

SECTION 446 ACCESSORY DWELLING UNITS

- 446.1 Within the R-H, R-1, R-2, R-3, C-1, C-2, C-3, and CO Zones, accessory dwelling units are permitted by special exception, subject to the following criteria:
- 446.2 The accessory dwelling unit shall be physically connected to the principal dwelling unit or shall be a converted existing detached building which maintains the same footprint;
- 446.3 If the accessory dwelling unit is an apartment within the structure housing the principal dwelling unit on the lot, the accessory dwelling unit may be located in a single-family detached dwelling or a single-family semi-detached dwelling. Accessory dwelling units shall not be permitted when an apartment dwelling unit is the principal dwelling unit;

- 446.4 The accessory dwelling unit shall share the same sewage disposal and water supply systems as the principal dwelling unit;
- 446.5 Upon proper installation of an accessory dwelling unit, the Zoning Officer shall issue a temporary certificate of use and occupancy. Such temporary certificate of use and occupancy shall be renewed every twelve (12) months until such time as the accessory dwelling unit is required to be removed. A fee, in the amount to be set by Borough Council, shall be paid by the landowner upon each renewal of the temporary certificate of use and occupancy;
- 446.6 A minimum of one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit;
- 446.7 The landowner shall submit documentation on how the accessory dwelling unit will be incorporated into the floor plan of the principal dwelling unit once the use is abandoned or document how the accessory dwelling unit will be removed from a detached building;
- 446.8 The accessory dwelling unit shall be removed or modified so that it cannot function as a separate dwelling unit within six (6) months after it is no longer occupied by a person who qualifies for the use, and the landowner shall provide a statement of intended future use to the Zoning Officer that conforms with the Zoning Ordinance for a single family dwelling unit;
- 446.9 The accessory dwelling unit shall be occupied by a maximum of two (2) people;
- 446.10 The accessory dwelling unit shall comply with the minimum space and habitable living area requirements of any applicable housing or building codes; and
- 446.11 If the accessory dwelling unit is located in a detached building, the accessory dwelling unit must utilize the existing access for the principal dwelling on the property, and no new access points or driveways shall be created or installed.

(Note: The above Section 446 was added on September 9, 2003 by Ordinance 2003-4.)

SECTION 447 ACTIVE ADULT COMMUNITIES

- 447.1 Purpose. It is the intent of Borough Council to encourage flexibility, economy and ingenuity in the development of tracts as active adult communities within the C-3 Zone of the Borough. To this end, Borough Council shall, by conditional use approval, permit the developer to modify the design standards of this Section 447 if such modification will clearly enable the design of a

better development. It is the specific intent of Borough Council to permit, in its discretion based upon substantial supporting evidence and proof that there will be no detriment to the public interest, developers to consider and utilize innovative methods of design, development and planning, including without limitation, innovative storm water management methods. Some of the specific development objectives of this Section include the design and construction of neighborhoods that:

1. Are distinct in their incorporation of important natural characteristics of the site, and reflect, preserve, and enhance the historic and traditional building styles abundant within the Borough;
2. Make efficient use of local infrastructure and services, provide for convenient vehicular access to the neighborhood's edges, but also place an emphasis on pedestrian-friendly movements within the neighborhood's boundaries;
3. Reserve and feature open spaces as community focal points;
4. Provide safe, efficient and compatible linkages with existing nearby land uses, by providing appropriate linkage of streets, sidewalks, walking trails, and open spaces;
5. Provide harmonious relationship to adjacent land parcels;
6. Foster social interaction among the neighborhood's residents accomplished by targeting the spatial relationship between open spaces, walking trails, sidewalks, streets, and the residential buildings; and
7. Blend these above-described features in a manner that promotes community identification, a "sense-of-belonging", and a "sense-of-place" for the neighborhood's residents.

These development objectives will be used as a measure of conformance with this Ordinance for any proposed Active Adult Community.

447.2 Relationship to Other Ordinances and Sections of this Zoning Ordinance. To the extent the regulations within this Section differ (are more or less restrictive) from other Sections of this Ordinance, those regulations within this Section shall govern. However, all other provisions of this and other ordinances of the Borough of Strasburg shall remain in full force.

447.3 Perpetual use guarantee.

1. A property which has been developed to the special standards allowed for an active adult community use shall not, at any time in the future,

change from an age-restricted active adult community unless all of the standards for such other use and the Zone are met.

2. An applicant for an age-restricted active adult community shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Borough Solicitor that limits the residential use of the property to one where the residents are restricted by age in compliance with the Federal Fair Housing Act. This documentation shall be recorded prior to the release of any final plan for recording.
3. Any homeowners', condominium or planned residential unit owners' association associated with an active adult community shall include in its bylaws provisions to restrict and enforce the restriction of residents by age in compliance with the Federal Fair Housing Act and the provisions of applicable Borough regulations. Such provisions may not be amended unless approved by the Borough.
4. Should the management, homeowners', condominium or planned residential unit owners' association fail to enforce the age restrictions, the Borough shall have the right to do so by any lawful means, including the imposition of fines on the violating residents and/or the management, homeowners', condominium or planned unit owners' or renters' association and/or by seeking injunctive relief.

447.4 Application Procedures. An application for conditional use approval for an active adult community shall be considered and governed by the application and review procedures for conditional uses according to Section 706 of this Ordinance. In addition to the requirements set forth in Section 706, Applicant shall include as part of its conditional use application the following:

1. Landscaping and lighting plan.
2. Architectural guidelines for each proposed dwelling type, including floor plans and exterior building elevations.
3. Street design plan showing street types and cross sections, parking, clear sight triangles (including a graphic depiction of clear sight triangles for all minor streets) and emergency services turning movements.
4. A plan showing the location and design of all proposed walking paths.
5. Parking plan showing clear sight triangles and turning movements.
6. Emergency services plan.

7. A narrative or report describing:
 - A. how the plan will accommodate and manage storm water, including storm water resulting from any new or existing public or private streets constructed or improved to provide access to the active adult community;
 - B. the proposed locations and dimensions of all streets and how the street pattern provides for safe and convenient access and circulation;
 - C. whether there is sufficient water and sewer capacity and facilities to serve the proposed active adult community's public water and public sewer needs and, if not, what improvements and/or modifications are proposed to accommodate the development's water and sewer needs and how such improvements and/or modifications will satisfy the requirements of the Strasburg, Lancaster County, Borough Authority;
 - D. the manner in which water and sewer lines which will serve the proposed active adult community will be designed or modified in order that no other water or sewer lines from other existing or proposed developments will be connected to the water and sewer lines for the active adult community;
 - E. the restrictive covenants which will be imposed in connection with the proposed active adult community, provided, however, the actual Declaration of Covenants, Restrictions and Regulations shall not be required to be submitted as part of the application for conditional use approval, but shall be subject to Borough approval as a condition of the recording of the final subdivision and/or land development plan; and
 - F. how the application will satisfy the park and open space provisions set forth in Section 616 of the Strasburg Borough Subdivision and Land Development Ordinance of 1995, as amended.
8. Statement identifying all requested modifications of standards under Section 447.18 and written support for each modification. The statement must identify the specific modification requested and provide support that the modification meets all requirements of Section 447.18.
9. A statement signed by the applicant acknowledging and agreeing that Borough Council in approving an active adult community shall make compliance with the site plan and any revisions thereto required by Borough Council a part of the approval. The applicant shall develop the active adult community in the manner set forth on the site plan and any required revisions thereto unless a change to the site plan is subsequently authorized by Borough Council. This procedure for revisions to the site plan shall supersede the provisions for changes to the site plan set forth in Section 706.4 of this Ordinance.

An applicant may, with the approval of Borough Council, make minor revisions to any of the plans which are approved as part of the grant of the conditional use during the subdivision and/or land development process as may be necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, and changes to street design.

447.5 Permitted Uses within an Active Adult Community.

1. Public or private parks, open spaces, playgrounds and recreational areas, but not including amusement parks or similar uses which detract from the character of the active adult community or are operated for profit.
2. Single-Family Detached Dwellings.
3. Duplexes.
4. Townhouses.
5. Detached Garages.
6. No-Impact Home-Based Businesses.

447.6 Minimum Area Requirements. The minimum lot area for an active adult community shall be no less than twenty (20) contiguous acres, whether comprised of one parcel or multiple contiguous parcels. Notwithstanding the foregoing, an application to expand a previously-approved active adult community development shall have no minimum lot area requirement, provided all other applicable requirements are met.

447.7 Required Design Standards.

1. The maximum permitted residential density for an active adult community is seven and one-half (7.5) dwelling units per gross predevelopment acre of the site.
2. Where separate lots shall be created within an active adult community, the following applicable design standards shall apply:

Lot Area, Width and Coverage			
Use	Minimum Lot Area	Minimum Lot Width At Building Setback Line (Frontage)	Maximum Lot Coverage
Single Family Detached Dwelling	6000 sf	50' (50')	65%
Duplex Dwelling Lot	4500 sf	40' (35')	70%
Townhouse Dwelling with Attached or Detached Garage or On-Lot Parking	2000 sf per unit	22' (22')	75%

Required Yard Setbacks for Principal Structures					
Use	Minimum Front Yard	Maximum Front Yard	Minimum 1 Side Yard	Minimum 2 Side Yards	Minimum Rear Yard ¹
Single-Family Detached Dwelling Lot	10'	25'	10'	10'	25'
Duplex Dwelling Lot	5'	25'	5' (end units) ²	10'	5' ²
Townhouse Dwelling Lot	5'	25'	5' (end units)	N/A	5'
Townhouse Dwelling Lot with Detached Garage	5'	25'	5' (end units) ²	N/A	0 ²

¹The Minimum Rear Yard Setback may be encroached upon a maximum of 8 feet with a patio attached to the primary residence. The primary residence structure must remain behind the Minimum Rear Yard Setback. Where multiple principal-use structures are to be constructed on a single lot, each structure shall be separated a minimum of 10 feet from all other structures on the lot.

²When a detached garage, end unit townhouse dwelling or duplex unit abuts an alley, the setback is zero.

3. An applicant which proposes that some or all of an active adult community shall be developed as a planned unit community shall demonstrate that each principal building meets the following separation requirements:
 - A. Each principal building shall be set back not less than 5 feet nor more 25 feet from the edge of the cartway of any public street or any street proposed to be dedicated to the Borough.
 - B. The side of each principal building shall be separated from the side of any other principal building by not less than 10 feet.
 - C. The rear of any principal building shall be separated from the side of any other principal building by not less than 10 feet; provided, however, if such principal building is a single family detached

dwelling it shall be separated from any other single family detached dwelling by not less than 30 feet.

D. The rear of any principal building shall be separated from the rear of any other principal building by not less than 10 feet; provided, however, if such principal building is a single family detached dwelling it shall be separated from any other single family detached dwelling by not less than 50 feet.

E. Each residential accessory structure shall be separated from any other structure except the principal residential structure to which it relates by 10 feet.

447.8 Minimum Yard Setbacks for Active Adult Community Development Perimeters.

Active Adult Communities that abut residentially zoned property shall provide a fifteen (15) foot greenbelt, and no building may be situate closer than fifty (50) feet from any common residentially zoned boundary line. Access drives and streets may be constructed within the fifty (50) foot setback but shall not encroach into the fifteen (15) foot perimeter greenbelt. In situations where the proposed Active Adult Community abuts a commercially zoned property, a fifteen (15) foot greenbelt shall be provided, and no building may be situate closer than thirty (30) feet from any common commercially zoned boundary line. Access drives and streets may be constructed within the thirty (30) foot setback but shall not encroach into the fifteen (15) foot perimeter greenbelt.

447.9 Design Standards.

1. Maximum Permitted Height:

- A. Principal Buildings and Structures – Thirty-Five (35) feet;
- B. Accessory Building and Structures – Twenty (20) feet.

2. Vehicular Parking Requirements for Residences - Active adult communities shall provide a minimum of 2.5 spaces per dwelling unit, which spaces may be provided as a combination of garages, driveways, parking lots, and spaces along or adjacent to private and public streets and alleys.

3. Landscaping - Pursuant to the purpose and objectives of an active adult community as stated in Section 447.1, generous and attractive landscaping shall be provided. All landscaping shall be depicted on the Landscaping Plan submitted with the application, and Borough Council shall make compliance with the Landscaping Plan and any revisions required by Borough Council part of the approval.

4. Waste Products - The placement and use of dumpsters within an active adult community shall be prohibited. Refuse removal shall be by means of curbside pickup.

447.10 Driveways and Access Drives. The design of all driveways and access drives shall comply with the requirements of Section 309 of this Ordinance except as set forth in this Section. The applicant shall demonstrate that all driveways shall be located in areas which complement the scale and massing of homes within the active adult community to make the streetscape comparable to that of older Strasburg Borough. While an applicant shall pay particular attention to situate driveways in locations which provide safe, clear sight distances, there shall be no limitation on (I) the distance between driveway connections and (ii) the distance between driveways and street intersections within the active adult community. Joint use driveways shall be encouraged, but shall not serve more than four dwelling units. Individual driveways for duplex and townhouse dwellings shall have a maximum width of twenty-four (24) feet between the street right-of-way and street cartway.

447.11 Streets.

1. All streets within an active adult community shall be classified as Minor Streets and shall be designated as Neighborhood Main Street, Neighborhood Side Street, Neighborhood One-Way Street or Alleys.
2. The design and construction of all improvements must be coordinated with all existing streets, access drives, alleys and driveways that are necessary to serve the development and accommodate prospective traffic and shall conform to all applicable Borough laws, regulations and maps.
3. Studies and reports shall clearly identify all assumed improvements to the existing facilities. A study, report or plan that contains an assumption of future improvements shall meet all requirements of Section 316 of this Ordinance.
4. All streets fronting residential lots shall be landscaped with street trees installed in accordance with an overall landscape plan which results in an aggregate number of street trees not less than one tree for each 50 lineal feet of lot frontage. Street trees may be installed in a grass planting strip behind the curb where sidewalk exists, in the front yard of dwellings, either in or out of the right of way, or in common open space fronting along a street. The placement of street trees may need to be modified at intersections and curves along streets in order to maintain safe clear sight distances. Vegetation which is below 36" in height and deciduous street trees with no limbs below 6' may be planted within clear sight triangles.

5. Applicant shall place special emphasis on the quantity of rainwater standing on streets during the design and engineering process for an active adult community. Accordingly, Applicant may utilize a 3" high center crown in order to hold the required volume of water within the street shoulder or gutter.

447.12 Private Streets. Streets within an active adult community shall be public unless Borough Council agrees that such streets may be private. Private streets shall be owned and maintained by a homeowners', planned unit owners' or condominium owners' association. An active adult community may, with Borough approval, have both public and private streets. In the event that streets within an active adult community are private, such streets shall not be gated or designed to deny access to anyone who is not a resident of the active adult community.

447.13 Street Function. The design of the street configuration within an active adult community shall be laid out to discourage use by any through traffic as well as discourage short-cutting through adjacent communities although interconnectivity with existing and proposed land uses shall be implemented to the greatest extent possible. The Site Plan shall depict the proposed location and dimensions of all streets and sidewalks, and Borough Council in approving the conditional use shall make compliance with the Site Plan and any revisions required by Borough Council part of the approval.

447.14 Street Design Standards.

1. Horizontal Alignments. Horizontal curves shall not be required for streets within an active adult community. Where horizontal curves are employed, however, no tangent between such curves shall be required. The centerline of the street cartway shall correspond with the centerline of the street right-of-way with the exception of bump outs for parking spaces as approved by Borough Council.
2. Street Right-of-Way and Cartway Widths. All streets within an active adult community, whether public or private, shall meet the standards found in the table below:

Functional Street Classification ¹	Minimum Required R.O.W. Width	Minimum Required Cartway Width	Number of Travel Lanes	Parallel Parking Permitted ²	Sidewalk ³
Neighborhood Main Street	40 ft.	28 ft.	2	One side	Both sides 5' wide
Neighborhood One Way	32 ft.	20 ft.	1 ⁴	One side	Both sides 5' wide
Neighborhood Side Street	32 ft.	20 ft.	2	None	Both sides 5' wide
Alleys	14 ft.	14 ft.	2	None	None

¹ Main entrance features such as divided boulevards, extensive landscaping, entrance monuments, etc. shall be a design option for active adult communities. In the event a divided boulevard entrance is utilized, the divider shall be a minimum of six (6) feet wide, and the right-of-way shall be widened accordingly by the same distance. Plantings and all other permanent objects placed within such a divided boulevard or at the main entrance shall not interfere with the clear sight triangle required herein. Plantings and other permanent objects placed within such a divided boulevard or at the main entrance shall be the responsibility of the homeowners' or planned unit owners' or condominium owners' association to maintain and/or replace consistent with the standards prescribed in this Ordinance. Notwithstanding the foregoing, vegetation which is below 36" in height and deciduous street trees (with limbs above 6') may be planted within clear sight triangles located within the active adult community.

² Parallel parking shall be subject to the exceptions and limitations for fire hydrants, distance from intersections and driveways, clear sight triangles, etc. as provided in this Ordinance. Streets where parking is prohibited shall be acknowledged on the plan, and permitted parking spaces shall be clearly designated.

³ Where sidewalks intersect roads, driveways, parking areas, or other pathways, they shall include aprons for access by disabled persons according to standards contained in the latest version of the American with Disabilities Act Accessibility Guidelines.

⁴ One-way-streets shall be signed along the cartway.

The extension of existing streets that are constructed differently than provided above shall be provided with a transition area, the design of which is subject to Borough approval.

3. Street Intersections. The distance between the centerline intersections of streets shall be measured along the centerline of the street being intersected and shall conform to the following:

Function	Minimum Separation
Controlled Access Arterial	600 feet
Arterial and Collector	300 feet
Minor Streets	150 feet
Interior Active Adult Community Streets	75 feet
Alleys with interior Active Adult Community Streets	75 feet

- A. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of fifty five (55) feet for collector and/or arterial streets, twenty (20) feet for minor streets and five (5) feet for interior active adult community streets. The right-of-way at intersections shall be substantially concentric with the cartway edge.
 - B. Applicant shall place a special emphasis on safe clear sight triangle distances during the design and engineering phases of the active adult community. The applicant shall provide and maintain at all existing and proposed intersections a clear sight triangle with a line of sight between points which are established along the centerline of the intersecting streets. The minimum clear sight triangle is one hundred fifty (150) feet for arterial and collector streets, seventy five (75) feet for minor streets (measured 10' from edge of pavement of intersecting road to 15' along centerline on both intersections) and fifty (50) feet for interior active adult community streets. Vegetation which is below 36" in height and deciduous street trees (with limbs above 6') may be planted within clear sight triangles located within the active adult community.
4. Cul-de-Sac Streets. The use of cul-de-sacs shall be limited to instances where there are no other appropriate alternatives for street design. Cul-de-sacs shall not exceed four hundred (400) feet in length measured along the centerline from the centerline intersection of the intersecting street to the center of the turnaround. The turnaround shall be fully paved with a diameter of at least eighty (80) feet. The right-of-way for turnarounds shall have a minimum diameter of one hundred (100) feet. Driveways that are located along the turnaround of a cul-de-sac shall be separated from the edge of the adjacent driveway by a minimum of two (2) feet. Alternative designs for the turnaround of a cul-de-sac may be permitted, such as a parking court, hammer-heads or a landscaped island, provided that safe movement of traffic is assured, three-point turning movements are accommodated and snow removal activities are not adversely affected. Driveways, parking areas, turf-pavers or other stabilized surfaces shall be acceptable for provision of the required movement.
5. Alleys. Alleys may be used to provide access to off-street parking. Alleys shall be limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and shall be designed to discourage through traffic. Alleys may be reverse crowned.
6. Bicycle Paths. Bicycle paths may be provided in an active adult community.

7. Curb. Curb shall be provided along all streets. Depending on storm water drainage conditions, traffic, parking and/or safety of pedestrians, curb may be required along access drives. Curb along arterial and collector streets shall be vertical type. The type of curbing shall be optional within an active adult community. Vertical or Belgian block curb may be utilized upon approval of Borough Council. If Belgian block curb is utilized, M-Tops shall be utilized to collect storm water in order to achieve uniform curb appearance. Curb, with the exception of Belgian block curb, shall be constructed in accordance with Chapter 21, Streets and Sidewalks, Part I, Construction of Sidewalks, of the Code of Ordinances of the Borough of Strasburg, and any future amendments thereto, and the specifications, rules and regulations adopted thereunder. Developer may install mountable curbs at street intersections and at driveway cuts in order to facilitate movement of emergency vehicles, trucks and bus traffic.

447.15 Public Utility and Service Requirements. All active adult communities shall comply with the following:

1. Mail Delivery– Mail and newspaper boxes shall either be attached to each unit's front facade, be located on posts on the street in front of each respective unit, or be cluster mail boxes. Different types of mail delivery may be utilized for different housing types within the active adult community. The mail delivery plan is subject to approval by the local postmaster. If cluster mail boxes are utilized, the applicant may elect to design a structure which is compatible with the architectural scheme for the active adult community. Such facilities may be placed within the setback.
2. Water and Sewer– All dwellings shall be connected to and served by both public water and public sewer facilities.
3. Underground Utilities – All utility lines within an active adult community shall be located underground and within public streets, other public rights-of-way or, preferably, private alleys. Utility lines (including extensions, upgrades, or improvements to utility lines) which are located on the border / perimeter of the active adult community shall not be required to be located underground. Any required utility structures, buildings, pump stations or other similar devices shall be screened from adjoining properties and roads, as appropriate.

447.16 Walking Paths. All walking paths shall be constructed with all-weather materials providing a hard, durable surface and shall be a minimum of 4 feet wide. Where such paths intersect roads, they shall include aprons for access by disabled persons according to standards contained in the Americans with

Disabilities Act Accessibility Guidelines. The path crossing the cartway shall be of distinct materials (e.g. cobblestone, pressed concrete or macadam) and color to present a visual and/or tire rumble indication that the pathway is present. Raised platforms (speed tables) may be used to meet the requirement for separation of pedestrian and vehicular traffic. All walking paths shall be depicted on the Site Plan, and Borough Council shall make compliance with the Site Plan and any revisions required by Borough Council part of the approval.

447.17 Ownership and Maintenance of Common Open Space. A homeowners', planned unit owners' or condominium owners' association shall be created to own and maintain all open space, private roads and alleys, storm water detention ponds and plantings on boulevard dividers.

447.18 Modification of Requirements. Council may, by conditional use approval, permit the modification of the design standards in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for an active adult community, also make application for conditional use approval under this Section 447.18. Council shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

1. Such modification(s) better serve(s) the intended purposes of this Section as expressed in Section 447.1;
2. Such modification(s) shall not result in an adverse impact to adjoining properties nor to future inhabitants of the active adult community;
3. Such modification(s) shall not result in an increase in residential densities permitted for the site; and
4. The modification provides the minimum amount of relief necessary to ensure compliance with this Ordinance.

(Note: The above Section 447 was added on June 14, 2005 by Ordinance 2005-4.)

SECTION 448 MEDICAL MARIJUANA GROWER/PROCESSOR

448.1 Off-street parking shall be provided as specified in Section 310.7 for industrial and manufacturing establishments.

448.2 No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any medical marijuana grower/processor facility or any sign associated therewith.

- 448.3 The applicant shall submit documentation showing compliance with the Medical Marijuana Act and all regulations promulgated thereunder including, but not limited to regulations setting forth standards for licensure, location of facilities, and security of premises, upon demand of the Zoning Officer.
- 448.4 Failure to comply with the requirements of the Medical Marijuana Act and all regulations promulgated thereunder shall constitute a violation of the Zoning Ordinance.

(Note: The above Section 448 was added on September 8, 2020 by Ordinance 2020-4.)

SECTION 449 MEDICAL MARIJUANA DISPENSARY

- 449.1 Off-street parking shall be provided as specified in Section 310.7 for retail stores or shops.
- 449.2 No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any medical marijuana dispensary facility or any sign associated therewith.
- 449.3 The applicant shall submit documentation showing compliance with the Medical Marijuana Act and all regulations promulgated thereunder including, but not limited to regulations setting forth standards for licensure location of facilities, and security of premises, upon demand of the Zoning Officer.
- 449.4 Failure to comply with the requirements of the Medical Marijuana Act and all regulations promulgated thereunder shall constitute a violation of the Zoning Ordinance.

(Note: The above Section 449 was added on September 8, 2020 by Ordinance 2020-4.)

ARTICLE 5 NONCONFORMITIES

SECTION 500 CONTINUATION

Except as otherwise provided in this Article, any use, building, or structure existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the regulations specified by this Ordinance.

SECTION 501 ABANDONMENT

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of six (6) months or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

SECTION 502 EXTENSION OF A NONCONFORMING USE OF LAND

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and the design standards of this Ordinance, and to the percentage limitation as set forth in Section 503.1.2. of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance.

SECTION 503 EXPANSION OR ALTERATION

503.1. Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.3.:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
2. The total of all such expansions or alterations of use shall not exceed an additional twenty-five percent (25%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created;

3. Provision for vehicular access, off-street parking, and off-street loading shall be consistent with standards required by this Ordinance;
4. Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control, and maintenance of all improvements and open spaces;
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces;
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
9. Excluding expansion, any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation, or flood-proofed in accordance with the requirements described in Section 208.7. of this Ordinance. In no case shall any modification, alteration, repair, reconstruction, or improvement cause unacceptable increases in flood height, velocities, or frequencies.

503.2. Any dimensional nonconformity may be reduced by permitted use. No extension or enlargement of a dimensional nonconformity shall be permitted.

SECTION 504

Note: The above Section 504 was deleted on May 14, 2019, by Ordinance No. 2019-1.)

SECTION 505 RESTORATION

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- 505.1. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure, and such reconstructed building or structure shall not increase any dimensional nonconformities.
- 505.2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

SECTION 506 NONCONFORMING LOTS

Subject to the provisions of Section 508(4) of the Act, the following shall apply:

- 506.1. In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met;
- 506.2. If a lot, as defined in this Ordinance, held in single and separate ownership on the effective date of this Ordinance consists of two (2) adjoining lots of record, and one (1) of the lots of record is developed with a single-family detached dwelling and the other lot of record is vacant, the vacant lot of record may be developed in accordance with the provisions of Section 506.1. above; and,
- 506.3. Subject to the provisions of Section 506.2. above, if a lot consists of two (2) or more lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Ordinance, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this provision that no portion of any lot consisting of two (2) or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Ordinance, or which shall result in the creation of a lot with a lot width, lot area or yard setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Ordinance.

SECTION 507 PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES

It is the express intent and purpose of this Ordinance that if a building, structure, sign, or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further

expansion of said building, structure, sign, or land shall be authorized. In the event a nonconforming building, structure, sign, or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or Ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

SECTION 508 AMORTIZATION OF NONCONFORMING SIGNS

Any sign that was legally existing as of the effective date of this Ordinance, that does not comply with the provisions listed in Section 313 of this Ordinance, shall be considered a nonconforming sign. All nonconforming signs may continue for a period up to five (5) years from the effective date of this Ordinance. After the five (5) year continuance period, all nonconforming signs shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Section 313 of this Ordinance. Any improvements, repairs, reconstructions, or any other alterations made to the nonconforming sign during the five (5) year continuance period shall not waive the requirements for elimination of the nonconforming signs at the end of the continuance period. This section shall not apply to any legally existing nonconforming billboards, nor signs that are located within the R-H Residential Zone and are considered to be historically significant by the Borough's Historic Architectural Review Board.

SECTION 509 AMORTIZATION OF THE STORAGE OF JUNK IN RESIDENTIAL ZONES

Any external storage of junk (as defined herein) within a residential zone that was legally existing as of the effective date of this Ordinance, shall be considered nonconforming. All such storage may continue for a period of up to six (6) months from the effective date of this Ordinance. After the six (6) month continuance period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvements, repairs, reconstructions, or any other alterations made to the area used to store junk during the continuance period shall not waive the requirements for elimination of the use at the end of the continuance period.

ARTICLE 6 ZONING HEARING BOARD

SECTION 600 ESTABLISHMENT AND MEMBERSHIP

When used hereafter in this Article, the word “Board” shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of five (5) members who shall be appointed by resolution by the Borough Council. The membership of the Board shall consist of residents of the Borough. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Borough Council may appoint by resolution at least one, but no more than three, residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for 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 office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 602, unless designated as a voting alternate member pursuant to Section 601 of this Ordinance.

SECTION 601 ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. 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 Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 603. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially

appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council upon request.

SECTION 602 EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council. Alternate members of the Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Borough Council.

SECTION 603 HEARINGS

603.1. The Zoning Hearing Board shall conduct hearings and render its decisions in accordance with the Act. Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board in accordance with the Act.

(Note: The above Section 603.1. was revised on September 9 2003, by Ordinance No. 2003-5.)

603.2. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;

603.3. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;

603.4. The chairman or acting chairman of the 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;

- 603.5. 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;
- 603.6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 603.7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing the decision of the 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;
- 603.8. The 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;
- 603.9. The Zoning Hearing Board shall conduct hearings and render its decision within the time limits and in the manner prescribed by the Act.

(Note: The above Section 603.9. was revised on September 9 2003, by Ordinance No. 2003-5.)

- 603.10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,
- 603.11. Approval Time Limit - If the variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed

within twelve (12) months of said date. For good cause, the Board may, upon application in writing, state the reasons therefore, extend either the six (6) months or twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances, and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said twelve (12) months period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit, or action, that revocation or rescission of the action is justified.

SECTION 604 BOARD'S FUNCTIONS

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

604.1. Substantive challenges to the validity of the Zoning Ordinance, except those brought before the Borough Council pursuant to Section 705.6. of this Ordinance.

1. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans, and explanatory material submitted by the landowner and shall also consider;
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal 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 the Ordinance or map;
 - C. The suitability of the site for the intensity of use proposed by the site's

soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features;

- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
- 2. The Zoning Hearing Board, shall render its decision within 45 days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
 - 3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time; and,
 - 4. Public notice of the hearing shall be provided as specified in Section 705.2.2. of this Ordinance;
- 604.2. Challenges to the validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance;
- 604.3. Application for special exceptions pursuant to the expressed following requirements:
- 1. Filing Requirements - In addition to the required zoning permit information (see Section 701), each special exception application shall include the following:
 - A. Ground floor plans and elevations of proposed structures;
 - B. Names and address of adjoining property owners including properties directly across a public right-of-way;
 - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and
 - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

2. General Criteria - Each applicant must demonstrate by credible evidence compliance with the following:
 - A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - C. The proposed use will not substantially change the character of the subject property's neighborhood;
 - D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, solid waste disposal, vehicular access, etc.);
 - E. The proposed use shall comply with those criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance;
 - F. The traffic generated by the proposed use shall be safely and adequately accommodated during peak and non-peak periods, or that improvements made by the applicant shall be made in order to effect the same;
 - G. The proposed use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design as required by this Ordinance and any other Federal, State, or local ordinance, law, or regulation;
 - H. That the proposed use will not have deleterious impact on adjoining properties or the neighborhood due to impacts and/or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.; and,
 - I. The proposed use will not substantially impair the integrity of the Borough's Comprehensive Plan;
3. Conditions - The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,

4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 604.3.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another special exception approval;

604.4. Variances - The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer, which shall at least include the following:

1. Filing Requirements - In addition to the required zoning permit information (see Section 701), each variance application shall include the following:
 - A. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - B. A scaled drawing (site plan) of the site with sufficient detail and accuracy so as to present the nature of the request and the unique site conditions that create hardship to strict compliance with this Ordinance; and,
 - C. A written description of the requested variance, along with a description of the hardship that is being alleged, and all reasons why the variance should be granted.

The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

2. 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 zone in which the property is located;
3. 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 reasonable use of the property;

4. That such unnecessary hardship has not been created by the appellant;
 5. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
 6. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue; and,
 7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7;
- 604.5. 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;
- 604.6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 604.7. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- 604.8. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

SECTION 605 PARTIES APPELLANT BEFORE THE BOARD

Appeals under Section 604.5., 604.6., 604.7., and 604.8., and proceedings to challenge this Ordinance under Sections 604.1. and 604.2., may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance under Section 604.4., and for special exception under Section 604.3., may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

- 605.1. The name and address of the appellant and applicant;

- 605.2. The name and address of the landowner of the real estate to be affected;
- 605.3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;
- 605.4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- 605.5. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not, be granted.

SECTION 606 TIME LIMITATIONS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer, or the agency responsible for granting such approval 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 or 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 this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

SECTION 607 STAY OF PROCEEDING

Upon filing of any proceeding referred to in Section 605, and during its pendency before the 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 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, which may be granted by the 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 Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the

applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

SECTION 608 APPEAL

Any person, taxpayer, or the Borough aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board, seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act, as amended.

ARTICLE 7 ADMINISTRATION

SECTION 700 ADMINISTRATION AND ENFORCEMENT

700.1. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Borough Council, who shall be known as the Zoning Officer. The Zoning Officer shall meet qualifications established by Borough Council, and shall be able to demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer shall be appointed at the first meeting of the Borough Council in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Borough Council may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Borough. The Zoning Officer may designate an employee of the Borough as his Deputy, subject to the approval of the Borough Council, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. Duties - The duties of the Zoning Officer shall be:
 - A. To receive, examine and process all applications as provided by the terms of this Ordinance;
 - B. To record and file all applications for permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;
 - C. To inspect properties to determine compliance with all provisions of this Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments. He/she shall have the right to enter any building or structure, or enter upon any land at any reasonable hour in the course of his duties;
 - D. To inspect nonconforming uses, structures, and lots and to keep a filed

record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations;

- E. Upon the request of the Borough Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
- F. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence;
- G. Issue Certificates of Use and Occupancy and Stop Orders in accordance with the terms of this Ordinance;
- H. To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto; and,
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act;

700.2. Enforcement - This Ordinance shall be enforced by the Zoning Officer of the Borough. No permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized by Borough Council to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

700.3. Violations - Failure to secure a permit prior to a change in use of land or structure, or the demolition, erection, construction, or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

If it appears to the Borough that a violation of this Zoning Ordinance enacted under the Act or prior enabling laws has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record;
2. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person 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 which have not been met, citing in each instance the applicable provisions of the Ordinance;
 - D. The date before which the 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 procedures set forth in the Ordinance; and,
 - 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;

700.4. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws, 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) 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 the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the 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 the Zoning Ordinance shall be paid over to the Borough; and,

- 700.5. Causes of Action - In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any Ordinance enacted under the Act or prior enabling laws, the Borough Council or, with the approval of the Borough Council, an officer of the Borough or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

SECTION 701 PERMITS

- 701.1. General Requirements for Zoning Permits - No building, structure, or sign shall be erected, constructed, extended, replaced, demolished, converted, moved, added to or structurally altered, nor shall land, buildings, and structures be put to any use or have the use for which they are used changed, without a Zoning Permit therefore issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written order from the Zoning Hearing Board in the form of a special exception or variance, or as otherwise provided for by this Ordinance, any applicable laws, or any court of competent jurisdiction;
- 701.2. Application Procedures - The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application. The application shall be accompanied by two sets of the following information:
1. A map of the lot in question drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures;
 2. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures, signs, and additions or

alterations to buildings, structures and signs;

3. A statement indicating the number of dwelling units and/or commercial establishments to be accommodated within existing and proposed buildings on the lot. In the case of apartment buildings, a breakdown of units by number of bedrooms shall be given;
4. The number, location, dimensions and design of parking and loading areas, recreation areas, signs, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and outdoor lighting;
5. A copy of the deed for the property in question, including all deed restrictions applicable to the property;
6. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance; and,
7. Information demonstrating compliance with PA Department of Labor and Industry, or as an alternative, information that confirms the lack of need for Labor and Industry approval;

701.3. Approval or Disapproval - Upon receipt of the application and all accompanying information, the Zoning Officer shall examine same to determine compliance with the Zoning Ordinance and all other Borough Ordinances and/or State requirements. The Zoning Officer may call upon other Borough Staff and/or Borough appointed consultants in the review of submitted materials for applications. Within ninety (90) days from the day he receives the application, the Officer shall either approve or disapprove the application and return one copy of the application and accompanying information containing the Zoning Officer's decision and signature to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore and informing the applicant of his rights to appeal. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met;

701.4. Issuance and Posting of Permit - Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Borough Council, the Zoning Officer shall issue a Zoning Permit placard which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding a total of

two (2) years; and,

- 701.5. Rights of Permit Holders - The permit shall be a license to proceed with the work described on the approved application in accordance with all Borough Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based for any other cause set forth in the Zoning Ordinance.

SECTION 702 CERTIFICATE OF USE AND OCCUPANCY

- 702.1. Requirements - It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a zoning permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Certificate of Use and Occupancy unless he has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other rules, regulations and Ordinances of the Borough have been complied with;
- 702.2. Issuance - Upon the receipt of written notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and other Ordinances of the Borough. If he/she is satisfied that the work has been completed in accordance with the approved application, he/she shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Borough records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his rights of appeal; and,
- 702.3. Temporary Certificate of Use and Occupancy - Upon request of the holder of a permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land or portion thereof before the entire work covered by the permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of the work provided life and/or the public health, safety, morals and general welfare of the Borough and its citizens are not endangered.

The Zoning Officer shall also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites, use of land for religious and other public and semi-public purposes or other temporary use and/or occupancy upon order of the Borough Council. Such temporary certificates shall be for the period of time to be determined by the Borough Council, but in no case shall any certificates be issued for more than six (6) months.

SECTION 703 STOP ORDER

703.1. A Stop Order shall be issued in the following instances:

1. If activities regulated by this Ordinance are undertaken without a Zoning Permit or Certificate of Use and Occupancy being granted by the Borough;
2. If an activity undertaken under a Zoning Permit deviates from the application either during or after completion of the work;
3. If a use is conducted in a way which is in violation of the use requirements, area, yard and height regulations, performance standards, or general regulations of this Ordinance; and,
4. If an activity permitted by special exception, conditional use, or variance is not conducted in accordance with the terms of the granting of the special exception, conditional use or variance;

703.2. Notice to Owner - A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property;

703.3. Contents - The Stop Order shall be in writing and state the nature of the violation and under which conditions work or use may continue. A reasonable period of time may be permitted to allow for the required corrections; and,

703.4. Unlawful Continuance - Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

SECTION 704 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Borough Council shall establish, by resolution, a schedule of fees and charges for requests for zoning permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Borough Council by resolution.

Until all application fees and charges have been paid in full, no action shall be taken on any application or appeal.

SECTION 705 AMENDMENTS

705.1. Power of Amendment - The Borough Council may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Borough Planning Commission, the Borough Council or by a petition to the Borough Council by an interested party;

705.2. Hearing and Enactment Procedures for Zoning Amendments:

1. Public Hearing - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Borough Council shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given;

2. Public Notice - Before conducting a public hearing, the Borough Council shall provide public notice as follows:

A. Notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

◦ A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,

◦ An attested copy of the proposed Ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.

B. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing;

C. For curative amendments, public notice shall also indicate that the

validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public;

- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment;
- 3. Enactment Notice - In addition to the public notice requirements defined herein, the Borough Council must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection 2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments;
 - 4. Borough Planning Commission Referrals - For amendments proposed by parties other than the Borough Planning Commission, the Borough Council shall submit each amendment at least thirty (30) days prior to public hearing to the Borough Planning Commission for review and comment. The Borough Planning Commission shall submit a report of its review, together with any recommendations, to the Borough Council within forty-five (45) days from the date of said referral. The recommendation of the Borough Planning Commission shall include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Borough;
 - 5. Lancaster County Planning Commission Referrals - All proposed amendments shall be submitted to the Lancaster County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The Lancaster County Planning Commission may submit recommendations to the Borough Council within forty-five (45) days of such referral. The Borough Council cannot act upon the amendment until it has received a recommendation from the Lancaster County Planning Commission; however, should the Lancaster County Planning Commission

fail to submit its recommendation within forty-five (45) days, the Borough Council may proceed without its recommendation;

6. Adjournment of Public Hearing - If during the public hearing process, the Borough Council needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain;
 7. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Lancaster County Planning Commission;
- 705.3. Amendments Initiated by the Borough Planning Commission - When an amendment, supplement, change or repeal is initiated by the Borough Planning Commission, the proposal shall be presented to the Borough Council which shall then proceed in the same manner as with a petition to the Borough Council which has already been reviewed by the Borough Planning Commission;
- 705.4. Amendment Initiated by the Borough Council - When an amendment, supplement, change or repeal is initiated by the Borough Council, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 705.2.;
- 705.5. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Borough Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Borough Council may require duplicate sets of petition materials. Such amendment shall follow the procedures listed in Section 705.2. of this Ordinance;
- 705.6. Curative Amendment by a Landowner - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 916.1 of the Act; as amended. The Borough Council shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Borough and Lancaster County Planning Commissions as provided for in Section 705.2. and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Borough Council may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The 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 roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal 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 the Ordinance or map;
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, 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 which are essential to public health and welfare;
2. The Borough Council shall render its decision within forty-five (45) days after the conclusion of the last hearing;
3. If the Borough Council fails to act on the landowner's request within the time limits referred to in subparagraph 2., a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
4. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public;
5. The challenge shall be deemed denied when:
 - A. The Borough Council, fails to commence the hearing within sixty (60) days;

- B. The Borough Council notifies the landowner that it will not adopt the curative amendment;
 - C. The Borough Council adopts another curative amendment which is unacceptable to the landowner; or
 - D. The Borough Council fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality;
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Borough Council pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 604.1., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply; and,
7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

705.7. Curative Amendment by the Borough Council:

- 1. The Borough Council, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Borough Council shall:
 - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:

- references to specific uses which are either not permitted or not permitted in sufficient quantity.
 - references to a class of use or uses which require revision; or
 - references to the entire Ordinance which requires revisions.
- B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity;
- 2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough Council shall enact a curative amendment to validate or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance;
- 3. Upon the date of the declaration and proposal, the Borough Council shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.1., subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Borough Council propose to prepare a curative amendment; and,
- 4. The Borough Council, having utilized the procedures as set forth in this section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a Pennsylvania Appellate Court decision, the Borough Council may utilize the provisions of this section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation; and,
- 705.8. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Borough Secretary and shall thereafter be refiled as part of the permanent records of the Borough.

SECTION 706 CONDITIONAL USES

706.1. Filing of Conditional Use - For any use permitted by conditional use, a conditional use must be obtained from the Borough Council. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures;
2. Names and addresses of adjoining property owners including properties directly across a public right-of-way;
3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

706.2. General Criteria - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
3. The proposed use will not effect a change in the character of the subject property's neighborhood;
4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
5. The proposed use shall comply with those criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
6. The proposed use will not substantially impair the integrity of the Borough's Comprehensive Plan;

706.3. Conditions - The Borough Council in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a

violation of this Ordinance and be subject to the penalties described in this Article;

706.4. Site Plan Approval - Any site plan presented in support of the conditional use pursuant to Section 706.1. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval;

706.5. Hearing Procedures:

1. Before voting on the approval of a conditional use, the Borough Council shall hold a public hearing thereon, pursuant to public notice. The Borough Council shall submit each such application to the Planning Commission to provide the Planning Commission with an opportunity to submit recommendations;
2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Borough Council;
3. The Borough Council may prescribe reasonable fees with respect to hearings;
4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Borough Council, and any other person, including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Borough Council for that purpose;
5. The President or Acting President of the Borough Council 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;
6. 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;

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded; and,
8. The Borough Council may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be paid by the applicant. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Borough Council; or shall be paid by the person appealing the decision of the Borough Council 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; and,

706.6. Time Limitation - If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Borough Council may, upon application in writing, state the reasons therefore, extend either the six (6) months or twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Borough Council.

Should the appellant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said twelve (12) months period, the Borough Council may upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Borough Council finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the Borough Council further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

SECTION 707 REPEALER

Any resolution, ordinance or part of any resolution or ordinance inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

SECTION 708 SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

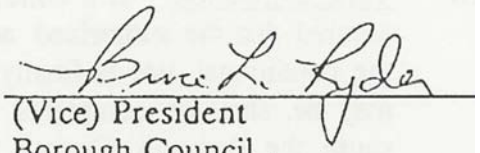
SECTION 709 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as provided by law.

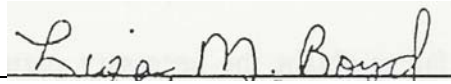
DULY ORDAINED AND ENACTED the 25th day of May, 1993, by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
Lancaster County, Pennsylvania

By: "


(Vice) President
Borough Council

ATTEST:


(Assistant) Secretary

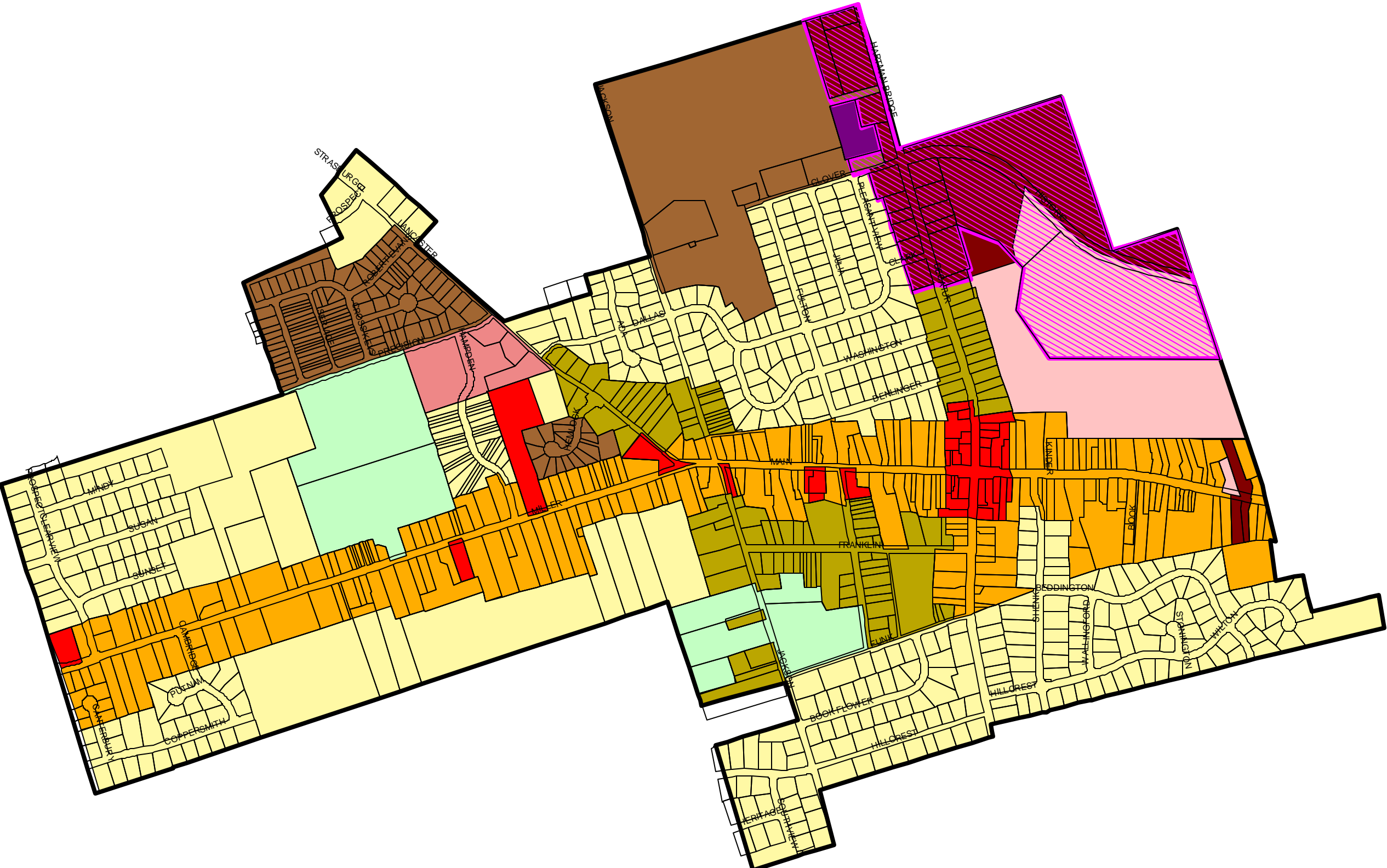
[BOROUGH SEAL]

Examined and approved as an Ordinance this 25th day of May, 1993.

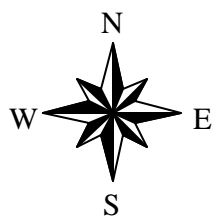


Mayor

Strasburg Borough Zoning Map



- PARCELS
- BOROUGH BOUNDARIES
- ZONES
 - Recreation
 - R-1 Residential
 - R-2 Residential
 - R-3 Residential
 - RH Residential
 - C-1 Commercial
 - C-2 Commercial
 - C-3 Commercial
 - Commercial Office
 - Industrial
 - Gateway North Overlay Zone



Map printed 10/31/11

