

CROSS ROADS BOROUGH

ZONING ORDINANCE

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ORDINANCE NO. 95-2

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES; THE PERCENTAGE OF THE LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC; AND AGRICULTURAL USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE BOROUGH OF CROSS ROADS, THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ACT 247) AS REENACTED AND AMENDED.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CROSS ROADS in the County of York and the Commonwealth of Pennsylvania, as follows:

ARTICLE I

**SHORT TITLE, PURPOSE AND
COMMUNITY DEVELOPMENT OBJECTIVES**

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "CROSS ROADS BOROUGH ZONING ORDINANCE."

SECTION 102 PURPOSE

The purpose of these regulations is to promote and protect the harmonious development of the Borough by facilitating:

- a) The orderly and efficient integration of land development within the Borough.

- b) Proper density of population.
- c) Adequate water and sewerage.
- d) Adequate police protection, fire protection, schools, parks and other public grounds and buildings.
- e) The protection of water resources and drainageways.
- f) Adequate light and air.
- g) Adequate transportation, parking and loading space.
- h) The public health, safety and welfare of the citizens of the Borough.
- i) Adequate sites for recreation, conservation and open space.
- j) The prevention of blight and overcrowding of land.

SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Cross Roads Borough. As such, two basic land use categories are recognized. A Residential-Agricultural area is designated along and around the principal thoroughfares of the Borough, i.e., Church Street (S.R. 2052), Main Street (SR. 2079 and S.R. 2050), and Laurel Street (S.R. 2079). The remainder of the Borough is designated as Agricultural. The nature and preferred mix of land uses in both areas are as follows:

a) Residential - Agricultural

This land use area is proposed to provide for new residential development, while preserving existing residential uses. The Residential-Agricultural area will also provide for commercial uses which serve the local population. In addition, this area will provide for public, quasi-public and agricultural uses which do not constitute a threat to the basic character and land use mix of the area.

b) Agricultural

The purpose of the Agricultural land use area is to encourage and preserve agricultural uses. Further objectives of the land use plan for this area are the preservation of natural drainageways, open space, and the protection of the natural and man-made environment. Single family dwellings and other land uses typical of rural areas will be permitted. In addition, a number of commercial and industrial

uses will be permitted in the Agricultural area. The purpose of permitting such uses in this area is to insulate them to avoid potential conflicts which might arise if such uses were to be located in close proximity to the housing and/or small commercial land use groups proposed for the Residential-Agricultural area.

These two basic land use areas, Residential-Agricultural and Agricultural, are intended to provide for an orderly mix of existing and potential uses while minimizing conflicts and adverse impacts between or among uses of varying intensity.

ARTICLE II

DEFINITIONS

SECTION 201 INTENT

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

SECTION 202 GENERAL INTERPRETATION

Unless otherwise expressly stated the succeeding shall, for the purposes of this Ordinance, be interpreted in the following manner:

- a) Words used in the present tense imply the future tense.
- b) Words used in the singular imply the plural.
- c) The word "person" includes a partnership, corporation or other legal entity as well as an individual.
- d) The words "shall", "required", or "must" are to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

SECTION 203 SPECIFIC WORDS AND PHRASES

For the purposes of this Ordinance, the following words and phrases have the meaning given herein:

ACCESS DRIVE - A private minor vehicular right-of-way, other than a street, providing access from a street to a property or parking area within a lot. Access drives shall be required for all commercial, institutional (including but not limited to schools, hospitals, and religious institutions), and industrial uses, and all multi-family dwellings. (See Section 413.)

ADULT ORIENTED FACILITY - An establishment open to the general public or a private club open to members except persons under the age of eighteen (18) years, which is used and occupied for one (1) or more of the following activities:

ADULT BOOK STORE - An establishment in which five percent (5%) or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT CABARET - An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ADULT MASSAGE PARLOR - An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual conduct.

ADULT THEATER - A building, or a room within a building, used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURE - The use of land for farming, dairying, pasturage, silviculture, horticulture, floriculture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program.

AGRICULTURE, EXCEPT LIVESTOCK - All uses included under AGRICULTURE, except that animal and poultry husbandry and related accessory uses are prohibited unless permitted under the provisions of Section 419 e) of this Ordinance.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, or reduction such as extending on a side or by increasing in height.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

AMENDMENT - A change which includes revisions to the zoning text and/or the official zoning map.

ANIMAL HOSPITAL - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. The use may include the boarding of such animals only during medical or surgical treatment.

APPLICANT - Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

AUTOMOBILE - A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motorcycles. (See RECREATIONAL VEHICLE.)

AUTOMOBILE BODY SHOP - A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

AUTOMOBILE GARAGE - A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, and similar motor vehicles.

AUTOMOBILE RECREATIONAL VEHICLE AND/OR TRAILER SALES DISPLAY BUILDING - A building for the display of new or used automobiles, recreational vehicles or trailers.

AUTOMOBILE, RECREATIONAL VEHICLE AND/OR TRAILER SALES LOT - An open lot for the outdoor display of new or used automobiles, recreational vehicles or trailers accessory to an automobile, recreational vehicle or trailer sales or display building.

AUTOMOBILE WASHING FACILITY - A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

AUTOMOBILE WRECKING - The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT - That portion of a building partly underground, but having one-half ($\frac{1}{2}$) or more of its height above the average level of the adjoining ground. A basement shall be considered as a story in determining compliance with building height restrictions.

BED AND BREAKFAST INN - A single family residence or portion thereof containing not more than three (3) guest rooms which are used by not more than six (6) guests where rent is paid in money, goods, labor or otherwise.

BUILDING - Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or property, and including covered porches, bay windows and chimneys. (see STRUCTURE)

ACCESSORY BUILDING - A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

ATTACHED BUILDING - A building which has two (2) or more party walls in common, except in the case of end units of Single Family Attached Dwellings which have one (1) party wall in common.

DETACHED BUILDING - A building which has no party wall.

PRINCIPAL BUILDING - A building in which is conducted the primary use of the lot on which it is located.

SEMI-DETACHED BUILDING - A building which has only one (1) party wall in common.

BUILDING AREA - The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING HEIGHT - The total overall height of a building measured from the grade level to the highest point of the roof.

CAMPGROUND - A parcel of land upon which two (2) or more campsites are located, intended for occupation by transients in tents or recreational vehicles with sleeping quarters.

CAMPSITE - A plot of ground within a campground intended for temporary occupation by a tent or recreational vehicle with sleeping quarters.

CARE FACILITIES - Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

ADULT DAY CARE CENTER - Any premises where care is provided to four (4) or more elderly or disabled adults for part of a twenty-four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living and the provision of social contact.

CHILD DAY CARE CENTER - A facility licensed by the State that provides a wide range of formal day care services for remuneration to seven (7) or more children, who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.

CONVALESCENT OR NURSING HOME - A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

DOMICILIARY CARE HOME - An existing building or structure designed as a dwelling unit for one (1) family which provides twenty four (24) hour supervised protective living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

FAMILY DAY CARE HOME - A facility, located in a single family residence, which provides supervised care for remuneration to not more than six (6) children, who are not relatives of the care giver.

GROUP DAY CARE HOME - A facility, located in a single family residence, which provides supervised care for remuneration to more than six (6) but less than twelve (12) children who are not relatives of the care giver.

GROUP HOME - A type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit. A group home may be affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff and for supervision of residents by full-time resident staff.

PERSONAL CARE BOARDING HOME - A type of group quarters, specifically a premises in which food, shelter, and personal assistance or supervision are provided, on a state or federal licensed basis, for a period

exceeding twenty-four (24) consecutive hours for at least four (4) but not more than sixteen (16) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

CELLAR - That portion of a building partly underground and having more than one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CERTIFICATE OF USE AND/OR OCCUPANCY - The certificate issued by the Zoning Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

COMMUNITY SEWER SYSTEM - A central sewage disposal system which serves a given area and is not publicly owned. For the purposes of this Ordinance, the minimum lot area and lot width requirements for uses served by a public sewer system shall also be applicable to uses served by a community sewer system.

COMMUNITY WATER SYSTEM - A central water supply system which serves a given area and is not publicly owned. For the purposes of this Ordinance, the minimum lot area and lot width requirements for uses served by a public water system shall also be applicable to uses served by a community water system.

CONDITIONAL USE - A use for which approval must be granted an applicant to use land in a zone for a purpose other than that generally permitted outright in that zone. A conditional use must be approved by the Borough Council in accordance with the terms, procedures and conditions as set forth in Articles VII and VIII.

CONDOMINIUM - A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons, and other parts such as halls, stairs and recreation areas are owned jointly by such persons. A condominium may be residential, commercial, or industrial in nature.

CONTRACTOR'S OFFICE OR SHOP - Offices and shops for tradesmen, such as building, cement, electrical, masonry, painting and roofing contractors.

DRIVE-IN BUSINESS - A commercial establishment, including a drive-in eating establishment, primarily offering stand-up counter, vending machine, window or in-car service, and/or offering prepared or standardized food for either on or off-premises consumption.

DRIVEWAY - An improved surface for vehicular travel which provides access between

a street and a lot. For the purposes of this Ordinance, drives for all residential uses (except multi-family) and all agricultural uses shall be considered driveways (See Section 412.)

DWELLING - A building or structure designed for living quarters for one (1) or more families, including mobilehomes, but shall not include hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.

MULTI-FAMILY DWELLING - A building containing three (3) or more dwelling units (such as apartment houses and garden apartments). All dwelling units are located on a single lot and share with other units a common yard area.

SINGLE FAMILY ATTACHED DWELLING - A portion of a building containing one (1) dwelling unit, and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a single lot. End units which have one (1) party wall in common are included and are subject to the lot area requirements for other single family attached units but must meet setback requirements on the open side.

SINGLE FAMILY DETACHED DWELLING - A building containing only one (1) dwelling unit, and having two (2) side yards.

SINGLE FAMILY SEMI-DETACHED DWELLING - A portion of a building containing one (1) dwelling unit, having one (1) side yard, and one (1) party wall in common with another dwelling unit. Each dwelling unit is located on a single lot.

TWO FAMILY DETACHED DWELLING - A building containing two (2) dwelling units, having two (2) side yards, and one (1) partition in common between the two (2) units. Both dwelling units are located on the same lot.

DWELLING UNIT - One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

EASEMENT - A limited right of use granted on private land for public use or private use by another party or parties, or a protective condition, as in the case of drainage easements for protection and/or preservation of a specified area.

FAMILY - One (1) or more persons who live in a dwelling unit and maintain a common household. May consist of a single person or two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, or boarding house.

FARM - Any parcel of land which is used for agricultural purposes, including necessary farm structures within the prescribed limits, which may include a single family dwelling, and the storage of equipment customarily incidental to the principal use. For the purposes of this Ordinance, a farm shall not include a kennel.

FENCE - Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. The height of all fences and walls or portions thereof shall be measured from grade level.

FINANCIAL INSTITUTION - A commercial savings and loan or banking establishment that provides office space for financial assistance and/or protective savings and investment services.

FLOOD-PRONE AREA - A relatively flat or low land area adjoining a stream, river or watercourse which is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOOR AREA OF A BUILDING - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas not devoted to the principal use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE - The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom, or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. Earth-sheltered dwellings, designed as such shall include the aggregate of area used for habitation as defined above whether or not all or a portion is below ground level.

GREENHOUSE, HORTICULTURAL NURSERY - A use primarily involving horticulture, which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principal use.

GROUP QUARTERS - Any dwelling or portion thereof which is designed or used for at least three (3) but not more than eight (8) persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, lodging or boarding houses, fraternity and sorority houses and dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

GUEST ROOM - A room which is intended, arranged or designed to be occupied or which is occupied by one (1) or more guests but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within or attached to the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

HALF-WAY HOUSE - A dwelling for the supervision of transitionally institutionalized individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

HEAVY STORAGE - The storage of goods, material, equipment and/or large vehicles (including, but not limited to, trucks and buses). Such storage includes warehousing and wholesale establishments and the exterior storage of the types of vehicles noted above.

HOME OCCUPATION - A special type of accessory use. An occupation or profession which --

- 1) Is carried on in a dwelling unit or in an accessory building,
- 2) Is carried on by a member of the family residing in the dwelling unit,
- 3) Is clearly incidental and secondary to the principal use of a property for residential purposes, and
- 4) Limits sales in conjunction with the home occupation to items produced on site or items incidental to the home occupation.

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

HOTEL - A building in which guest rooms are provided for occupancy, with or without meals, for compensation, by transient or semi-permanent guests, or both and in which no provision is made for cooking in any individual room or suite.

HOUSE OF WORSHIP - A building used primarily as a meeting place for religious gatherings and services.

IMPERVIOUS SURFACE - Those paved surfaces that do not absorb precipitation. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick or asphalt shall be considered impervious surface. In addition, all buildings and structures shall be considered as impervious surfaces for computations of lot coverage.

INDOOR COMMERCIAL RECREATION ESTABLISHMENT - A commercial leisure time activity or amusement contained within a building, such as a bowling alley, billiard room, or video arcade.

INDUSTRIAL ACTIVITIES - The manufacturing, processing and/or assembly of materials including, but not limited to, such activities as printing and publishing, electronic components industries, tool and die making, molding plastics, bottling operations, food processing, furniture making, metal fabrication, and textiles.

INDUSTRIAL PARK - A parcel of land --

- 1) Organized and laid out in accordance with an overall plan for a community of industries on separate building sites arranged on streets with utility services, and
- 2) Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, setbacks, and use requirements.

INOPERABLE MOTOR VEHICLE - A vehicle intended to be self propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, excluding farm equipment or vehicles not requiring such registration.

JUNK YARD/SALVAGE YARD - Any lot, land or structure, or part thereof, used primarily for the collection, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery, equipment, junked or inoperable motor vehicles, and/or for the sale of parts thereof.

KENNEL - Any building or buildings and/or land used for the sheltering, boarding, breeding or training of four (4) or more dogs, cats, or other small domestic animals at least six (6) months of age, or a building or buildings and/or land containing any number of small domestic animals which are kept or bred for profit shall constitute a kennel. A kennel does not include the keeping of livestock for agricultural purposes. A kennel operation may include accessory uses such as animal grooming.

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 lease to exercise the rights of the land owner, or other person having a proprietary interest in land.

LIVESTOCK - Any domestic farm animals such as cattle, donkeys, horses, mules, burros, sheep, hogs or goats kept for agricultural use, commercial purposes, or pleasure.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

CORNER LOT - A lot located at the intersection of, and fronting on, two (2) streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages.

DOUBLE FRONTAGE LOT - A lot extending between and having frontage on two (2) streets. The front setback requirements of the zone in which the lot is located shall apply to both street frontages.

INTERIOR LOT - A lot having frontage on one (1) street, adjoined on the sides and rear by other lots.

REVERSE FRONTAGE LOT - A lot extending between and having frontage on a minor street and either an arterial or collector street with vehicular access solely from the minor street. The front setback regulations of the zone in which the lot is located shall apply to both street frontages.

TRIPLE FRONTAGE LOT - A lot fronting on three (3) streets. The front setback regulations of the zone in which the lot is located shall apply to each street frontage.

LOT AREA - The area contained within the property lines of an individual parcel of land, excluding any area within a street right-of-way, but including the area of any easement. If a lot is divided by a street right-of-way, whether existing or proposed, any principal building on said lot shall be located on an undivided portion of that lot which area in and of itself contains the minimum lot area required by this Ordinance.

LOT COVERAGE - A percentage which when multiplied by the lot area will determine the permitted building coverage area. If a lot is divided by a street right-of-way, whether existing or proposed, building coverage shall comply with the requirements of this Ordinance for any undivided portion of that lot as for the entire lot.

LOT LINES - The lines bounding a lot as described in the recorded title. Also referred to as "property lines."

LOT WIDTH - The required continuous distance between the side property lines measured along a single street right-of-way line. If a lot is divided by a street right-of-way, whether existing or proposed, any principal building on said lot shall be located on an undivided portion of that lot which contains the minimum lot width required by this Ordinance.

MAJOR THOROUGHFARE - A street or highway designated in the Thoroughfare Classification Plan as an existing or planned arterial or collector street.

MEDICAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

MINI-STORAGE FACILITY - A commercial rental facility providing for the enclosed storage of household items, recreational vehicles and/or equipment and/or classic or antique automobiles where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility. Mini-storage units shall not be used as offices or shops and shall not house any items or operations other than dead storage as specified above. No volatile or hazardous materials shall be stored in such facilities.

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

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

MOBILEHOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two (2) or more mobilehome lots.

MOBILEHOME SALES LOT - An open lot for the outdoor display of new or used mobilehomes.

MOTEL - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourist or transients including auto courts, motor lodges and similar establishments.

MULTI-FAMILY OR TWO FAMILY CONVERSION - A multi-family or two family dwelling constructed by converting an existing building into dwelling units for more than one (1) family, without substantially altering the exterior of the building. Such conversions shall be subject to review and permitting procedure by the Borough Planning Commission, Borough Council, Sewage Enforcement Officer, and the Pennsylvania Department of Environmental Resources where applicable.

NONCONFORMITY - A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance. Specifically, the following types of nonconformities are distinguished:

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district 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 provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this 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 a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NON-PROFIT - An educational, religious or charitable use which qualifies as "non-profit" under section 501-c of the Internal Revenue Service Code.

OPEN AREA REQUIREMENT - A percentage which when multiplied by the lot area, will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required Open Area.

OUTDOOR COMMERCIAL RECREATION ESTABLISHMENT - A use of open land for leisure time activities, such as a swimming pool, tennis court, golf course or drive-in theater.

PARCEL - Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land shall be considered contiguous even though separated by public or private roads.

PARK OR OTHER RECREATION AREA OF A NON-PROFIT NATURE - Any land including buildings and structures upon such land which is used for active or passive recreation that is of a non-commercial; i.e. non-profit, nature. Such uses would include, but not be limited to, athletic fields and picnic areas. Examples of uses not included would be outdoor sports clubs, golf courses, and similar facilities which are not public and involve a commercial rate for use or membership fees in lieu of such rates.

PARKING GARAGE - A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

PARKING LOT - An open lot where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

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

PAVED AREA REQUIREMENT - A percentage which when multiplied by the lot area will determine the permitted open area which may be paved with an impervious surface, e.g., driveways, parking areas, and walkways.

PERSONAL SERVICE BUSINESS - Personal service businesses shall include barber and beauty shops; self-service laundry and dry cleaning establishments; laundromats; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops or any other establishment of similar nature providing personalized service to customers.

PLAT - A map, plan or layout showing the subdivision of land or land development and indicating the location and boundaries of individual properties.

PORTABLE SIGN - A temporary sign, of any material, with or without changeable lettering, illuminated or non-illuminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground; often referred to as a mobile sign.

PRIVATE - Not publicly owned, operated or controlled.

PROFESSIONAL OR BUSINESS OFFICE - An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers,

engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

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

PUBLIC SEWER - A water supply system which is owned and operated by a local government authority or by a local public utility company controlled by a government authority.

PUBLIC WATER - A municipal water supply system, or a comparable common water facility, i.e., community water system approved and permitted by the Pennsylvania Department of Environmental Resources.

RECREATIONAL VEHICLE - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or temporary living purposes and with its wheels, rollers or skids in place. A recreational vehicle shall include trailer, house trailer, camper, snowmobile, golf cart, all terrain vehicle, trail bike, boat, boat trailer, airplane or other similar vehicle.

RESTAURANT - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

RETAIL STORE OR SHOP - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted as retail stores or shops are uses specifically provided for elsewhere in this Ordinance, including, but not limited to, service stations, vehicular sales, restaurants, hotels and motels, business services, funeral homes, contractor's offices and building material sales.

RIGHT-OF-WAY - A legal right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

ROADWAY - The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. Also referred to as travelway or cartway.

ROOMING HOUSE - A residential building or a portion thereof, other than a hotel, containing not more than one (1) dwelling unit where lodging is provided with or without meals for compensation.

SATELLITE DISH ANTENNA - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COMMERCIAL - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing, or the martial arts.

SCREENING - Vegetative material or fencing of sufficient height and density to conceal the structures and uses on the premises on which the screening is located from the view of and/or reduce noise reaching property owners on adjacent lots or in adjoining zones.

SERVICE 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 sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

SETBACK - The required horizontal distance between a structure and a property or street line. (See diagrams on pages II-20 to II-24.)

FRONT SETBACK - The required distance between the street right-of-way line (regardless whether the same is also a front, side or rear lot line) and the front setback line projected the full width of the lot.

REAR SETBACK - The required distance between the rear lot line, unless such line is also a street line, and the rear setback line projected the full width of the lot.

SIDE SETBACK - The required distance between the side lot line, unless such line is also a street line, and the side setback line projected from the front setback line to the opposite setback line. However, in the case of corner lots, the second side setback shall be the required distance between the rear lot line and the side setback line projected from the side lot line to the opposite front setback line.

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

SEXUAL CONDUCT - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, analingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

SEXUALLY EXPLICIT NUDITY - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

SHOPPING MALL, SHOPPING CENTER, SHOPPING PLAZA - A group of two (2) or more stores planned and designed to function as a unit for the site on which it is located with off-street parking and landscaping provided as an integral part of the unit.

SIGN - Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of public, but not including lettering or symbols that are an integral part of another structure; or any flag, badge, or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization.

ADVERTISING SIGN - A sign for which the major purpose is to direct attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

BUSINESS SIGN - A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

DIRECTIONAL SIGN - A sign which directs people to: a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.

FREESTANDING SIGN - A sign supported by uprights or braces placed upon or in the ground and not attached to a building.

PERMANENT SIGN - A sign permanently attached or applied to a building or structure or permanently anchored into the ground and which cannot easily be moved. Permanent signs may have either permanent or replaceable lettering

SIDEWALK SIGN - Any "A" frame, inverted "V" shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary business sign.

TEMPORARY SIGN - A sign which is anchored to the ground or attached to a building, structure, or mobile platform with weights, cables, pins, bolts, braces or stakes and which can easily be moved. Temporary signs are displayed for a limited period of 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 excrements or hazardous waste materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Chapter 273, as amended, supplemented or revised.

SPECIAL EXCEPTION - Approval granted an applicant to use land in a zone for a purpose other than that generally permitted outright in that zone. A special exception is granted by the Zoning Hearing Board in accordance with the terms, procedures and conditions as set forth in Articles V and VI.

STORY - That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

HALF STORY - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

STREET - A public or private way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and accepted public right-of-way or private right-of-way.

STREET GRADE - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the street "right-of-way line."

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding patios, driveways, walkways and parking areas. For all regulatory purposes all buildings are considered structures.

ACCESSORY STRUCTURE - A subordinate structure, the use of which is customarily incidental to that of the principal structure.

PRINCIPAL STRUCTURE - A structure which is directly involved in the principal use of the lot on which said structure is located.

SWIMMING POOL, OUTDOOR - Any outdoor pool or open tank, containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 ½) feet. Farm ponds, lakes, livestock watering tanks, and detention basins are not included, provided that swimming was not the primary purpose for their construction.

TRACT - An area of land which may comprise the entire area or a sub-part of a parcel. Individual "tracts" within a parcel of land, which are not separately deeded, shall not constitute separate lots for the other purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within a parcel shall be considered descriptive only.

TRASH, JUNK - Any garbage, debris, material, equipment, and/or apparatus which has been discarded and is no longer functional.

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

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

PRINCIPAL USE - The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each zoning district. If more than one principal use occupies a single lot or building, each such use must satisfy the regulations established, including, but not limited to, parking, sewage disposal, lot area, lot coverage, setbacks, and screening.

UTILITY SHED - A small non-rental building designed primarily for storage of yard and garden equipment, and miscellaneous household items incidental to a dwelling and customarily made of prefabricated materials, purchased, assembled or erected, and used exclusively by the property owner.

VARIANCE - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the Zoning Provisions of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.

WAREHOUSE - A structure used for storage only of equipment and/or merchandise.

WHOLESALE ESTABLISHMENT - A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use.

YARD - A prescribed open area on a lot, unobstructed from the ground upward, except as modified in ARTICLE IV of this Ordinance.

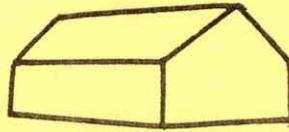
FRONT YARD - An area bounded by the street right-of-way line(s), front wall of the principal building and side lot line(s).

REAR YARD - An area bounded by the rear lot line (and street right-of-way line in the case of double frontage, reverse frontage or triple frontage lots), rear wall of the principal building and side lot lines.

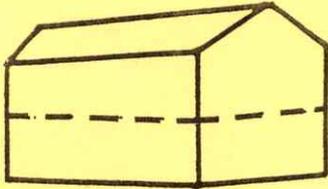
SIDE YARD - An area bounded by a side lot line and the front, rear and/or side walls of the principal building.

SKETCHES OF RESIDENTIAL DWELLING TYPES

SINGLE FAMILY DETACHED DWELLING



No party wall, one family,
located on a single lot.



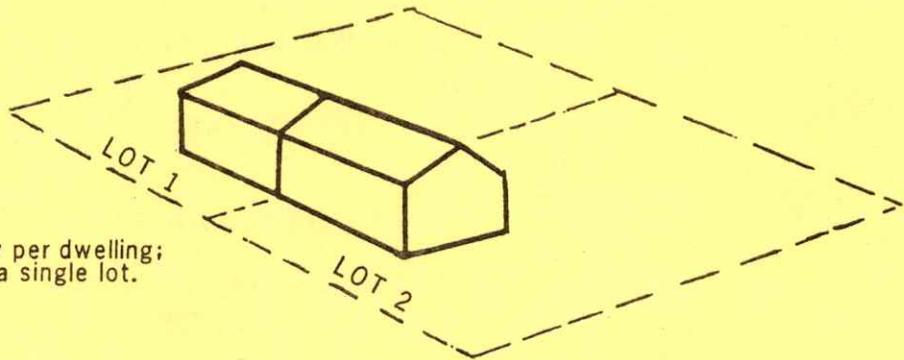
TWO FAMILY DWELLINGS



One party wall, one family per unit,
both units located on a single lot.

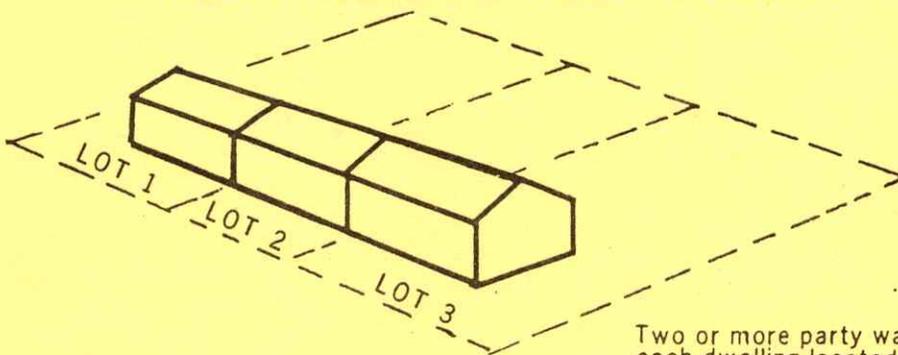
No party wall, one unit per floor;
building located on a single lot.

SINGLE FAMILY SEMI-DETACHED DWELLING



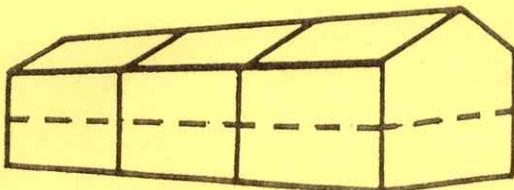
One party wall, one family per dwelling;
each dwelling located on a single lot.

SINGLE FAMILY ATTACHED DWELLINGS

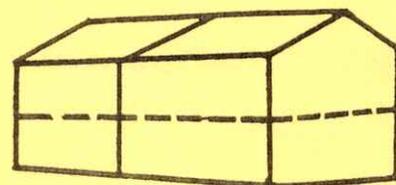


Two or more party walls, one family per dwelling;
each dwelling located on a single lot.

MULTI-FAMILY



Two or more party walls, three or more families;
all units located on a single lot.



One or more party walls, four or more
families; all units located on a single lot.

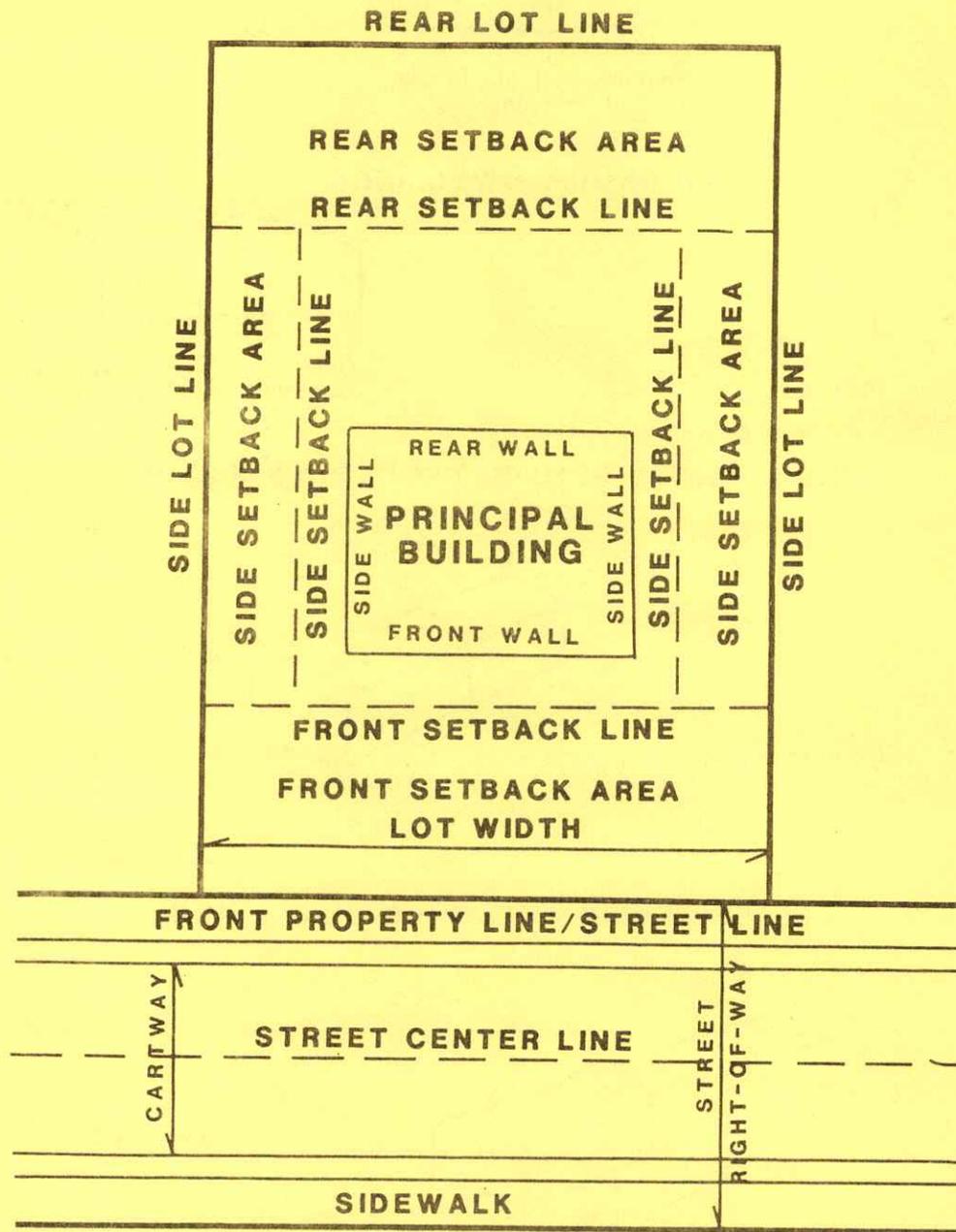


ILLUSTRATION DEPICTING SETBACK REQUIREMENTS
 APPLYING TO INTERIOR LOTS

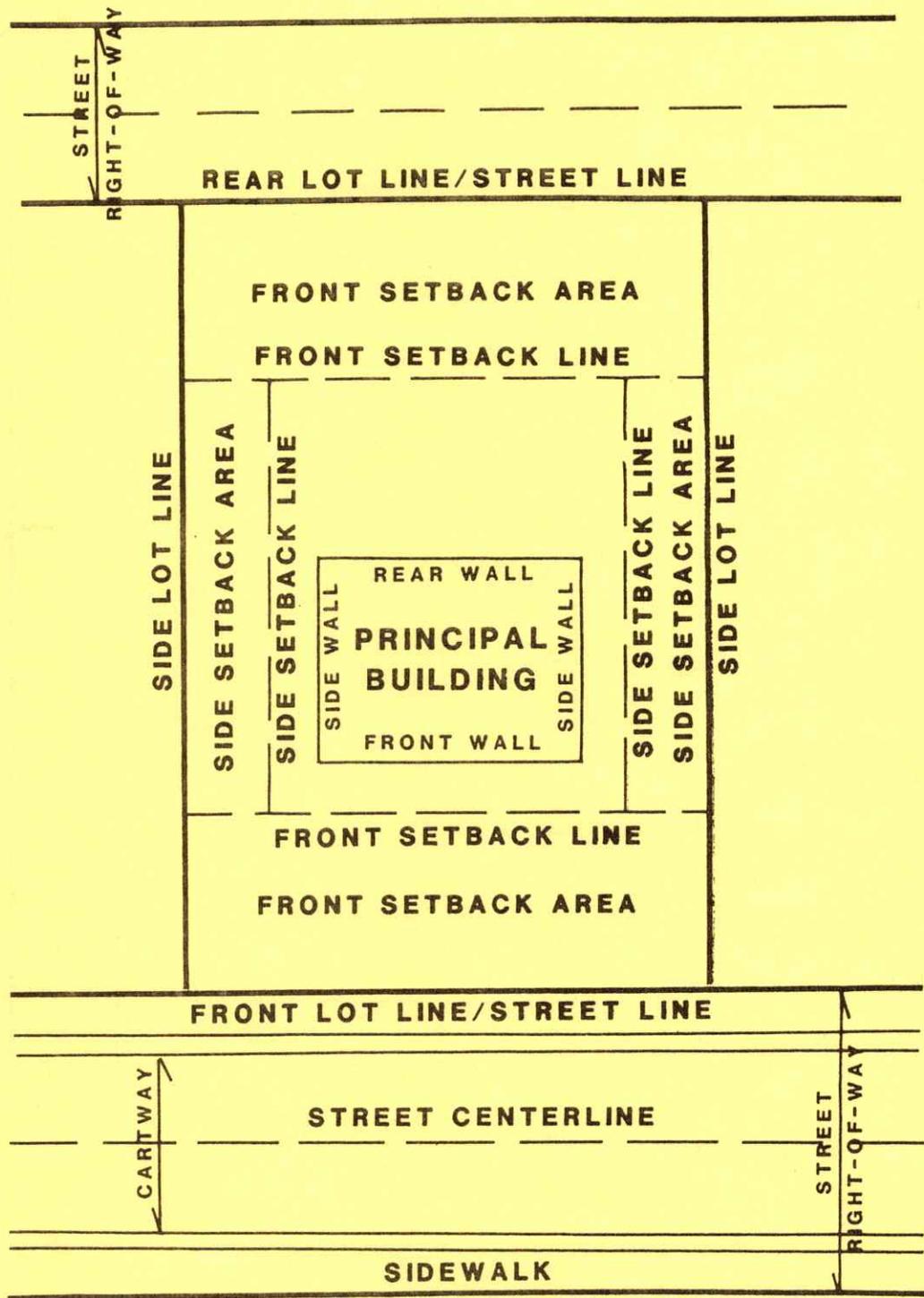


ILLUSTRATION DEPICTING SETBACK REQUIREMENTS APPLYING TO A DOUBLE OR REVERSE FRONTAGE LOT

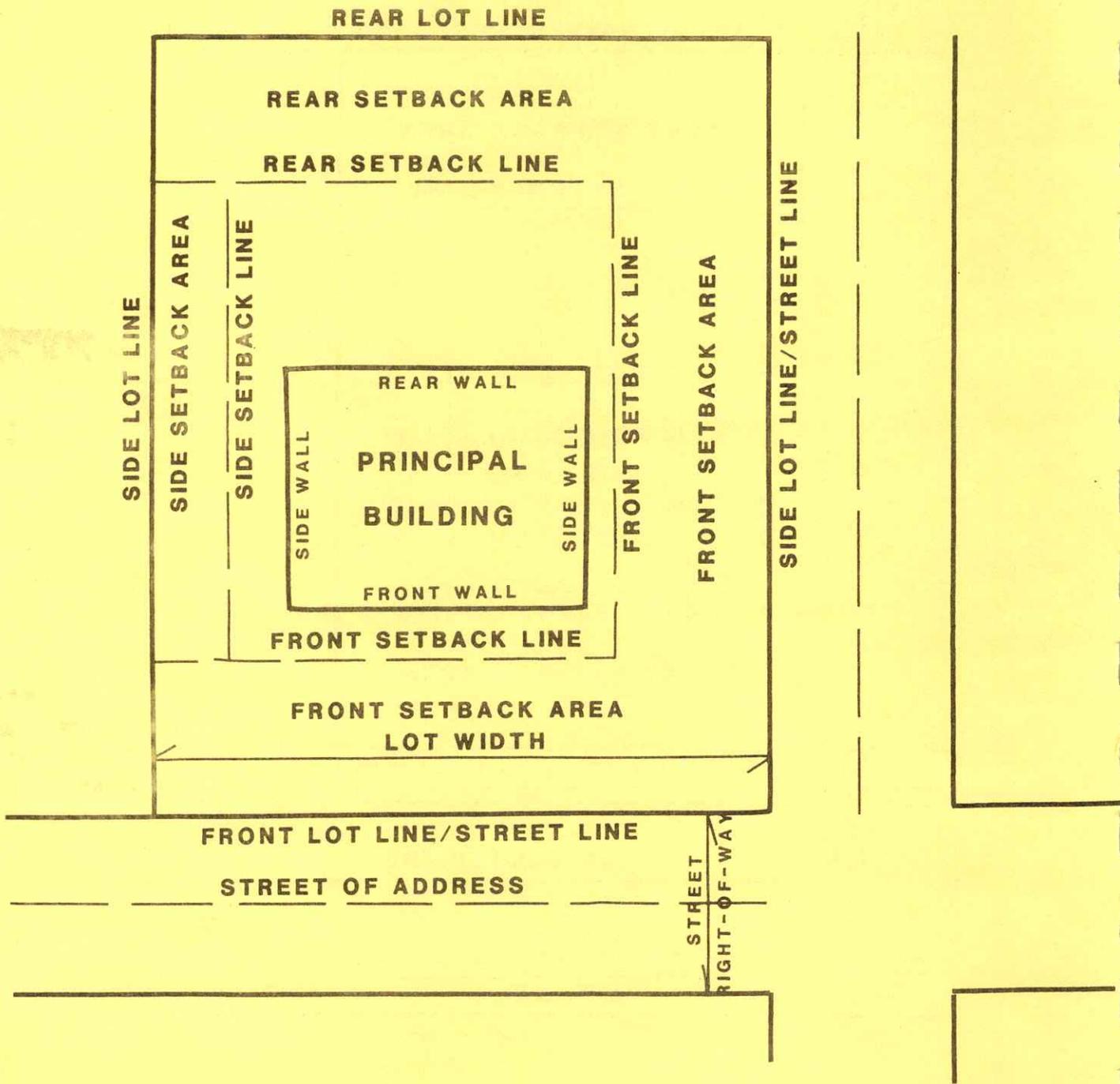


ILLUSTRATION DEPICTING SETBACK REQUIREMENTS
 APPLYING TO CORNER LOTS

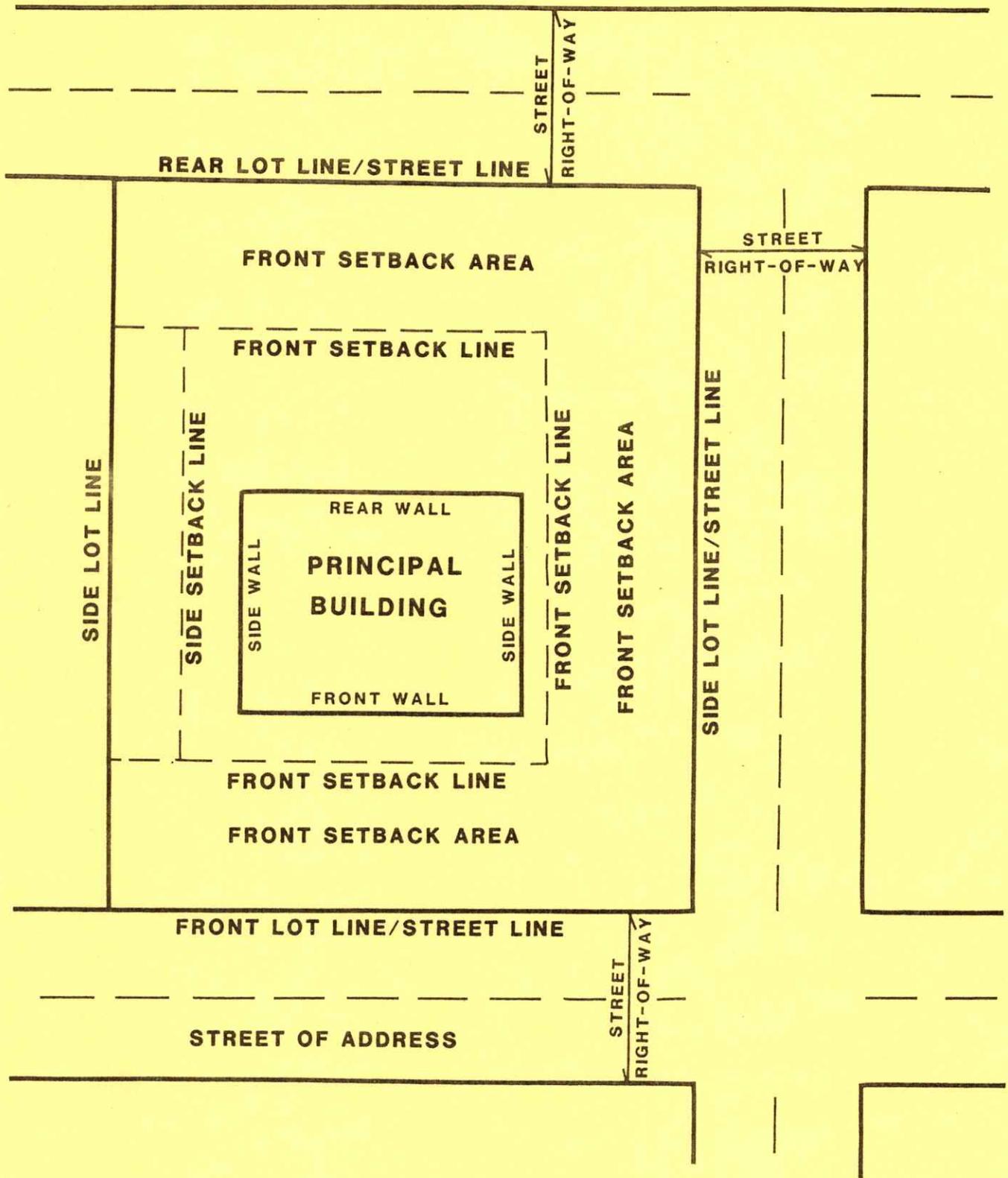


ILLUSTRATION DEPICTING SETBACK REQUIREMENTS
 APPLYING TO TRIPLE FRONTAGE LOTS

ARTICLE III
ZONE REGULATIONS

SECTION 301 ZONES AND BOUNDARIES

- a) **Establishment of Zones:** The Borough of Cross Roads is divided into the zones enumerated below and shown on the map entitled "Zoning Map of Cross Roads Borough" which map is part of this Ordinance.

R-A Residential - Agricultural
A Agricultural
FW Floodway Overlay
FF Flood Fringe Overlay
FA General Flood Plain Area Overlay

- b) **Boundaries of Zones:** Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
4. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in Subsection (1) through (4) shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsections (1) through (5), the Zoning Hearing Board shall interpret the district boundaries.

- c) **Lots Split by Boundaries of Zones:** If a lot is split by a zoning boundary, the minimum lot area and lot width for the zone in which the principal building, structure or use is to be located shall be applicable to the entire lot.

SECTION 302 USE REGULATIONS

- a) **Uses Permitted:** The uses permitted in the zones established by this Ordinance and the permitted extent of these uses, are as shown in Sections 303 through 305. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
1. Additional general provisions are set forth in ARTICLE IV.
 2. Modifications to the use or dimensional requirements are set forth in ARTICLE IV.
 3. Standards for Special Exception uses are set forth in ARTICLES V and VI.
 4. Standards for Conditional Uses are set forth in ARTICLES VII and VIII.
- b) **All Other Uses:** Any use not specifically allowed elsewhere in this Ordinance shall be allowed as a Conditional Use in the zone or zones where, and to the extent that, similar uses are permitted or allowed provided that said use meets the requirements for a Conditional Use and does not constitute a public or private nuisance.
- c) **Accessory Uses and Structures:** Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 401.
- d) **Uses With Nuisance Effect:** In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property unless otherwise allowed by law, as in the case of Agricultural Security Areas.

SECTION 303 RESIDENTIAL-AGRICULTURAL ZONE (R-A)

a) Purpose: The purpose of the Residential-Agricultural Zone is to encourage orderly development and the preservation of existing residential and agricultural uses and complementary local commercial services while providing public facilities necessary for the health, welfare, and general convenience of the population; to preserve open space; to exclude any activities not compatible with the Residential-Agricultural environment; to avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

b) Uses by Right: The following uses are permitted by right in the R-A Zone:

1. Agriculture, Except Livestock, e.g., Crops, Gardening, Orchards, etc.
2. Commercial School
3. Contractor's Office or Shop
4. Family Day Care Home
5. Farm Buildings and Structures
6. Financial Institution
7. Funeral Home
8. Group Home
9. Home Occupation (See Section 424)
10. Personal Service Business
11. Professional or Business Office
12. Restaurant
13. Retail Store or Shop
14. Single Family Semi-detached Dwelling
15. Single Family Detached Dwelling

c) Uses by Special Exception: The following uses shall be permitted as Special Exceptions in the R-A Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses in accordance with ARTICLES V and VI of this Ordinance.

1. Adult Oriented Facility
2. Animal Hospital
3. Apartment in Conjunction with a Commercial Establishment
4. Automobile, Recreational Vehicles and/or Trailer Sales, Automobile Body Shop and/or Automobile Garage
5. Automobile Washing Facility
6. Bed and Breakfast Inn
7. Cemetery
8. Club Room, Club Grounds, Meeting Hall
9. Commercial Parking Lot or Building
10. Day Care Center (Child or Adult) or Nursery School

11. Domiciliary Care Home
12. Drive-In Business
13. Greenhouse, Horticultural Nursery
14. Group Day Care Home
15. Group Quarters
16. Home Occupation
17. House of Worship
18. Medical Clinic
19. Multi-Family or Single Family Attached Dwellings
20. Multi-Family or Two Family Conversion
21. Nonconformity, Expansion of
22. Park or Other Recreation Area of a Nonprofit Nature
23. Personal Care Boarding Home
24. Public Buildings and Facilities
25. Public or Semi-Public Parking Lot
26. Public Utility Building and/or Service Structure
27. Rooming House
28. Service Station or Convenience Store Dispensing Fuel
29. Two Family Detached Dwelling

d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	<u>Public Water & Public Sewer</u>		<u>Public Water or Public Sewer</u>		<u>No Public Water or Public Sewer</u>	
	<u>Lot Area</u>	<u>Lot Width</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Lot Area</u>	<u>Lot Width</u>
Single Family, Semi detached & Two Family Dwellings	15,000 sq. ft./dwelling unit	90 ft./dwelling unit	30,000 sq. ft./dwelling unit	125 ft./dwelling unit	1 acre (43,560) sq. ft./dwelling unit	150 ft./dwelling unit
Single Family Attached Dwelling	3,000 sq. ft./unit	20 ft./dwelling unit	NOT PERMITTED		NOT PERMITTED	
All Other Uses	20,000 sq. ft.	100 ft.	30,000 sq. ft.	125 ft.	1 Acre (43,560 sq. ft.)	150 ft.

e) **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback - Thirty-five (35) feet
2. Each Side Setback - Ten (10) feet. Single Family Semi-Detached and Single Family Attached Dwellings shall be considered as one (1) building for the purpose of determining side setback requirements.
3. Rear Setback - Thirty (30) feet.

f) **Building Height:** The height limit for a principal building or structure shall be two and one-half (2-1/2) stories, but not over thirty (30) feet, except that the height limit may be extended to three (3) stories but not over thirty-five (35) feet if each yard is increased in width one (1) foot for each additional foot of height over thirty (30) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet.

Farm buildings and structures are exempted from high requirements.

g) **Lot Coverage:** Not more than thirty-five percent (35%) of the lot area may be covered by buildings or structures including accessory buildings.

h) **Open Area:** Not less than sixty-five percent (65%) of the lot area shall be devoted to open area as defined in this Ordinance.

i) **Paved Area:** Not more than twenty percent (20%) of the lot area may be paved with an impervious surface, e.g., driveways, parking areas, walkways, etc.

SECTION 304 AGRICULTURAL ZONE (A)

a) Purpose: The primary purpose of this zone is to maintain and promote the rural-agricultural character of the land within this zone. This zone is composed of those areas in the Borough whose predominant land use is rural residential and agricultural. The regulations of this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, while providing for certain commercial and industrial uses which are inappropriate in other areas due to lot size, screening and buffering requirements for such uses.

b) Uses by Right: The following uses are permitted by right in the A Zone:

1. Single Family Detached Dwellings subject to the following regulations:

a. There shall be permitted on each parcel defined by a deed or plat of record as it existed on December 14, 1976 (regardless of the number of individual "tracts" contained therein), the following number of existing and proposed dwellings:

<u>Size of Parcel of Land</u>	<u>Number of Dwellings Permitted</u>
less than 2 acres	1
2 but less than 6 acres	2
6 but less than 14 acres	3
14 but less than 30 acres	4
30 but less than 62 acres	5
62 or more acres	six (6) plus one (1) additional for each thirty (30) acres over 62 acres

The acreage used for the purpose of determining the number of dwellings permitted shall be the area or parcel of contiguous lands regardless of when acquired, which the same identical owner or owners had title to on the effective date of the Zoning Ordinance. Lands shall be considered to be contiguous though separated by public or private roads or by streams.

b. New dwellings shall be located on lots in soil capability units IIIe-3 through VIIs-2, as classified by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May, 1963, or on lots on lands which cannot feasibly be farmed, (1) due to existing features of the site such as rock outcroppings, swamps, the fact that the area is heavily wooded, or the fact that the slope of the area exceeds fifteen percent

(15%), or (2) due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery. Where such location is not feasible, permits shall be issued to enable dwellings to be located on lots containing higher quality soils. However, in all cases such residential lots shall be located on the least agriculturally productive land feasible so as to minimize interference with agricultural production.

- c. A lot on which a new dwelling is to be located shall not contain more than one and one-half (1 1/2) acres (65,340 sq. ft.) unless the physical characteristics of the land itself require a lot size in excess of one and one-half (1 1/2) acres. In the event that additional land is required the amount of land in excess of one and one-half (1 1/2) acres shall be the minimum amount necessary to make the lot suitable for the location of the proposed dwelling and any on-site sewage disposal and water supply systems serving that dwelling.
- d. The applicant shall have the burden of proving that the land he seeks to subdivide meets the criteria set forth in this section.

Any landowner who disagrees with the classification of a parcel of land or any part of it by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May, 1963, may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified, and if the Borough Council finds his study to be correct, it shall alter the Soil Map to reflect the results of such analysis.

2. Agriculture, e.g., Crops, Gardening, Pasture, Orchards, Dairy, Livestock, Poultry, etc.
 3. Family Day Care Home
 4. Farm Buildings
 5. Farm Produce Stand
 6. Forestation, Wildlife Preserve
 7. Group Home
 8. Home Occupation (See Section 424)
- c) **Uses by Special Exception:** The following uses shall be permitted as Special Exceptions in the A Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses in accordance with ARTICLES V and VI of this Ordinance.
1. Animal Hospital
 2. Bed and Breakfast Inn
 3. Cemetery

4. Club Room, Club Grounds, Meeting Hall (Any accessory outdoor trap, skeet, rifle, pistol or archery range must comply with the requirements of Section 817 of this Ordinance.)
5. Day Care Center (Child or Adult) or Nursery School
6. Domiciliary Care Home
7. Greenhouse, Horticultural Nursery
8. Group Day Care Home
9. Half-Way House
10. Home Occupation
11. House of Worship
12. Kennel
13. Nonconformity, Expansion of
14. Park or Other Recreation Area of a Nonprofit Nature
15. Public Buildings and Facilities
16. Public Utility Building and/or Service Structure
17. Service Station or Convenience Store Dispensing Fuel

d) **Conditional Uses:** The following uses shall be permitted as Conditional Uses in the A Zone when approved by the Borough Council. The Borough Council shall approve or disapprove applications for conditional uses in accordance with ARTICLES VII and VIII of this Ordinance. In addition any particular conditional use SHALL NOT --

- Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
- Cause **vibration** beyond the boundaries of the lot.
- Cause **noise** exceeding that of street traffic at the front lot line.
- Cause glare observable from beyond the boundaries of the lot.

Conditional Uses

1. Airport, Airstrip
2. Automobile Wrecking/Junkyard/Salvage Yard
3. Building Material Sales
4. Campground and/or Recreational Vehicle Park
5. Communication Transmitting and Receiving Facility
6. Convalescent Home, Nursing Home, or Hospital
7. Farm Implement Sales and Service
8. Heavy Storage, Sales and/or Service (includes Wholesale Establishment)
9. Heliport
10. Industrial Activities
11. Industrial Park

12. Mini-storage Facility
13. Mobilehome Park
14. Mobilehome Sales Lot
15. Outdoor Commercial Recreation Establishment
16. Outdoor Trap, Skeet, Rifle, Pistol, or Archery Range
17. Sawmill Operation
18. Shopping Center, Shopping Mall, or Shopping Plaza
19. Solid Waste Disposal and/or Processing Facility
20. Truck or Motor Freight Terminal

e) **Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

1. Minimum Lot Area - One (1) acre (43,560 sq. ft.).
2. Minimum Lot Width - One hundred fifty (150) feet.

f) **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback - Fifty (50) feet
2. Each Side Setback - Twenty-five (25) feet.
3. Rear Setback - Forty (40) feet.

g) **Building Height:** The height limit for any building or structure shall be thirty-five (35) feet, except in the case of farm buildings and structures, in which case there shall be no height limitation.

h) **Lot Coverage:** Not more than twenty percent (20%) of the lot area may be covered by buildings or structures including accessory buildings.

i) **Open Area:** Not less than eighty percent (80%) of the lot area shall be devoted to open area as defined in this Ordinance.

j) **Paved Area:** Not more than ten percent (10%) of the lot area may be paved with an impervious surface, e.g., driveways, parking areas, walkways, etc.

k) **Subdivision:** A property owner submitting a subdivision plan shall be required to specify on this plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his parcel may have.

l) **Location:** The location of a permitted use (other than agricultural uses and single family detached dwellings) in the Agricultural Zone shall be acceptable so long as the developed portion of the lot involves an area no larger in size than is reasonably necessary for the location of such use. Uses other than agricultural uses and single

family detached dwellings must be located on the least agriculturally productive land of a parcel whose owner is proposing such a use. The same criteria used in Section 304 b) 1.b. of this Ordinance to determine the least agriculturally productive land shall apply.

SECTION 305 FLOOD PLAIN OVERLAY ZONES - FLOODWAY (FW), FLOOD FRINGE (FF) GENERAL FLOOD PLAIN AREA (FA)

a) Purpose: The purpose of these zones is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

b) Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. 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 the Flood Plain Zones, or that land uses permitted within such zones, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Cross Roads 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.

c) Establishment of Flood Plain Zones:

1. Description of Zones
 - a. Basis of Zones: The various Flood Plain Zones shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these zones shall be the Flood Insurance Study prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration (FIA) dated September, 1982.

- The Floodway Zone (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this zone are specifically defined in Table 1 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
- The Flood-Fringe Zone (FF) shall be that area of the one hundred (100) year flood plain not included in the Floodway Zone. The basis for the outermost boundary of this zone shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the Flood Boundary and Floodway Map.
- The General Flood Plain Zone (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. Such areas are shown on the Flood Boundary and Floodway Map accompanying the Flood Insurance Study prepared for the Flood Insurance Administration. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance 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.

b. Overlay Concept

- The aforementioned Flood Plain Zones shall be overlays to the existing underlying zones as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Zones shall serve as a supplement to the underlying zone provisions.
- Where there exists any conflict between the provisions or requirements of any of the Flood Plain Zones and those of any underlying zone the more restrictive provisions of the two shall apply.

2. Inclusion in Zoning Map: The boundaries of the Flood Plain Zones are established as shown on the Flood Boundary and Floodway Map, dated March 2, 1983, prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration. The said map is hereby incorporated into and made a part of the Official Zoning Map of Cross Roads Borough. A copy of said map shall be kept on file by the Zoning Officer and be available for inspection upon request.
 3. Zone Boundary Changes: The delineation of any of the Flood Plain Zones may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, or other qualified agency or individual documents the advisability for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agency.
 4. Interpretation of Zone Boundaries: Initial interpretations of the boundaries of the Flood Plain Zones shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the zones, the person questioning or contesting the location of the zone boundary shall be given a reasonable opportunity to present his case to the Borough Zoning Hearing Board and to submit his own technical evidence if he so desires. Should the person choose to have the zone boundary changed to reflect more accurate flooding data, he must follow the procedures to present his case to the Borough Council for a zoning amendment.
- d) Zone Provisions:** All uses, activities, land filling and development occurring within a flood hazard area shall be undertaken only in strict compliance with the provisions of this Ordinance, the Borough Floodplain Management Ordinance, and with all other applicable codes and ordinances such as the Borough Building Permit Ordinance.

ARTICLE IV

GENERAL PROVISIONS

SECTION 401 ACCESSORY USES AND STRUCTURES

- a) **Accessory Uses:** An accessory use, which is customarily incidental and subordinate to a principal use or building, and located on the same lot as the principal use or building, is permitted in all zones. Such use shall comply with all the requirements of this Ordinance, including special exception and conditional use provisions if applicable.
- b) **Attached Structures:** A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- c) **Nonattached Structures:** An accessory structure, standing apart from the principal structure, is permitted between the front wall of the principal structure and the side or rear setback line.
1. Utility sheds, regardless of whether or not placed on a permanent foundation, must comply with all applicable regulations (as in Subsection 4. below) including setback requirements.
 2. No apartment(s) or living quarters shall be located in an accessory structure.
 3. Farm produce stands may be placed in a front yard area but shall not be placed within a street right-of-way. Such stands must be removed when products are no longer on sale. (See Section 421)
 4. Other than as listed above, for all other requirements a nonattached structure is considered the same as a principal building.
- d) **Fences and Walls:**
1. Fences may be located up to but shall not be located on the lot line.
 2. No fencing may be erected which inhibits sight distance at a street intersection.

3. In the case of a fence or wall erected adjacent to a driveway or access drive in any zone, the maximum height of such fence or wall or portion thereof shall be such that adequate sight distance between the driveway or access drive and the street or road is provided as required in Section 404 b).
4. Fences and walls shall be located a minimum of six (6) feet from the edge of a roadway.

e) **Satellite Dish Antennas:** Television receiver dishes and similar apparatus, regardless of configuration, are subject to the following constraints:

1. Such devices shall not be placed in any required setback area.
2. Such devices must be located to the rear of the dwelling unit on any residential lot.
3. No dish antenna shall exceed an overall height of eighteen (18) feet above the ground or an overall diameter of twelve (12) feet.
4. No more than one (1) dish antenna is permitted per lot.
5. Such devices must be appropriately screened or fenced so as not to be an eyesore to neighboring properties.

SECTION 402 OUTDOOR SWIMMING POOLS

a) **Enclosure:** Every outdoor swimming pool must conform to all applicable requirements of State Law and in addition must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. In the event that any permanent outdoor swimming pool has a part or all of its water-containing wall or barrier above the level of the adjoining ground, if such wall or barrier is less than four (4) feet or is accessible by open stairs or ladders, said wall or barrier shall not be construed to satisfy fencing requirements and a separate fence meeting the aforementioned height and enclosure requirements must be provided. In such cases the fence may be affixed to or upon the water-containing wall of the pool or may be entirely separate from it so long as all other requirements of this section are met.

- b) **Setbacks:** All swimming pools shall be setback a minimum of ten (10) feet from all lot lines and shall only be permitted to be located to the rear of the front wall of the principal building.

SECTION 403 UNENCLOSED STORAGE

- a) **Vehicles:** Except as provided in Section 803 of this Ordinance, in all zones, dismantled or partially dismantled or abandoned automobiles, tractors, recreational vehicles, trailers, and trucks must be parked or stored within an enclosed building.
- b) **Outdoor Stockpiling:** Except as provided in Section 803, in all zones, tire stockpiles, metal pipes, automobile parts, and similar objects and materials must be stored in an enclosed storage structure. All such storage must be accessory to an existing principal building except as provided in Section 803 of this Ordinance.
- c) **Trash or Junk:** Except as provided in Section 803, the accumulation of trash or junk out-of-doors for a period in excess of fifteen (15) days is prohibited in all zones.
- d) **Front Yard:** In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted between the front wall of the principal building and the street line.

SECTION 404 SETBACK MODIFICATIONS

- a) **Front Setbacks of Buildings on Built-up Streets:** Where at least two buildings are --
 - 1. fronting on the same side of a street as the lot in question,
 - 2. within the same block as the lot in question,
 - 3. setback a lesser distance than required, and
 - 4. not more than one hundred (100) feet from the lot in question, the average of the lesser setbacks shall become the required minimum front setback for the lot.
- b) **Sight-Distance:** Proper sight lines must be maintained at all street intersections. At corner lots, measured along the center line of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
All streets and access drives	75 feet

No building or construction is permitted in this area except as follows:

1. Obstructions or plantings less than three (3) feet in height.
 2. If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter.
- c) **Setback on Corner Lots:** In the case of corner lots, two (2) front setbacks shall be provided (the second of which will exist in lieu of the one (1) side setback).
- d) **Setback on Reverse Frontage or Double Frontage Lots:** In the case of reverse frontage or double frontage lots, two (2) front setbacks and two (2) side setbacks shall be provided.
- e) **Accessory or Appurtenant Structures:**

The setback regulations do not apply to --

1. school bus shelters (so long as not an obstacle to sight distance); telephone booths; and cornices, eaves, chimneys, steps, canopies, marquees, and articles of decoration and ornamentation.
2. open fire escapes.
3. fences and walls, which must conform to regulations contained in Section (401.c).

SECTION 405 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections and structures provided that the height of any such projection or structure above its base, or the average grade level if self-supporting, shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- a) Structures such as chimneys, water towers, standpipes, flagpoles, television antennas or radio towers.
- b) Structures on buildings such as clock towers, cupolas, water tanks, and other technical appurtenances, if such structures, at any level, do not cover more than twenty-five percent (25%) of the roof on which they are located.

- c) Parapet walls or cornices solely for ornamental purposes if not in excess of five (5) feet in height.
- d) Farm buildings.

SECTION 406 MINIMUM HABITABLE FLOOR AREA

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

- a) **Single Family Dwellings:** Seven hundred (700) square feet per dwelling unit.
- b) **Multi-family Dwellings, Two Family Dwellings, and Conversions:** Five hundred (500) square feet per dwelling unit.

SECTION 407 SIGNS

a) General Regulations for All Signs

- 1. **Determination of Size:** The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size.
- 2. **Location/Projection of Signs:**
 - a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
 - b. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within sixty (60) feet of a residential use.
 - c. No sign shall project over or be located on a public sidewalk area or over a public street unless specifically authorized by other Borough or State regulations.
 - d. No sign shall project more than thirty-five (35) feet above the ground.

3. Illumination of Signs:
 - a. Flashing, rotating and intermittent lights are not permitted.
 - b. Signs permitted in the Residential-Agricultural Zone shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11) p.m. and six (6) a.m.
 - c. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet and does not obstruct the vision of motorists.
 - d. Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of one hundred (100) feet of a highway traffic light or similar safety device or from the center of any street intersection.
 4. Signs Painted on Buildings: Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign and the regulations pertaining thereto shall apply.
 5. Signs Within a Building: Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window area. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.
 6. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
 7. Termination of Enterprise: Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.
- b) **Permitted Permanent Signs:** Only the types of permanent signs listed on Chart A, which follows, shall be permitted throughout the Borough. Permanent signs must conform to the standards set forth in Chart A as well as satisfy the general regulations of Subsection a). Building permits shall be required for all permanent signs.

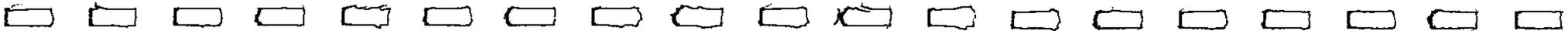
c) **Permitted Temporary Signs:** Only the types of temporary signs listed on Chart B, which follows, are permitted throughout the Borough. Temporary signs must conform to the standards set forth in Chart B as well as satisfy the general regulations of subsection a).

d) **Advertising Signs:** Advertising signs shall be permitted in an Agricultural Zone subject to the provision of subsection a) and the following criteria:

1. Only one (1) advertising sign per lot shall be permitted.
2. No advertising sign shall exceed an overall size of eighty (80) square feet, nor exceed thirty-five (35) feet in height.
3. No advertising sign shall be located within two hundred (200) feet of another advertising sign.
4. All advertising signs shall be subject to minimum building setbacks from all property lines and street right-of-way lines.
5. No advertising sign shall obstruct the vision of motorists or adjoining uses which depend upon visibility for identification.

CHART A
PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-1: All signs & signals owned & operated by the Borough.	-	-	-	-	-	-	All
P-2: Identification and information for public & semi-public facilities; such as schools, churches, public utilities, clubs, hospitals, libraries, historical, etc.	1 free-standing and/or 1 attached	40 sq. ft. per lot (total)	10 ft.	Height of building	10 ft.	12 in.	Where use is permitted
P-3: Nameplates identifying owner or resident of private property (excluding mailboxes, but includes signs for home occupations).	1 per dwelling unit	2 sq. ft. per sign	5 ft.	-	6 ft.	12 in.	Where use is permitted
P-4: Signs indicating the private nature of a road, driveway, or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing, or trespassing.	-	2 sq. ft. per sign	5 ft.	-	6 ft.	12 in.	All
P-5: On-site directional signs.	2 per street frontage used as access	4 sq. ft. per sign	2 ft.	Height of building	6 ft.	12 in.	All

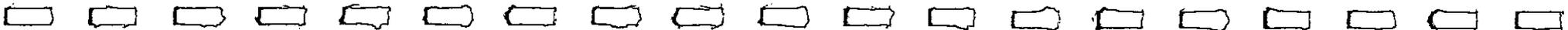


PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-6: Off-site directional signs.	1 per lot	4 sq. ft. per sign	2 ft.	Height of building	3 ft.	12 in.	All with permission of land-owner on which sign is placed. Not on traffic or utility poles.
P-7: Identification sign for a residential subdivison or multi-family development.	1	30 sq. ft.	10 ft.	-	10 ft.	-	Where use is permitted
P-8: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings and industrial parks).							
P-8A: Freestanding business sign, excludes stores or businesses in a complex.	1	40 sq. ft.	15 ft.	-	Height of building	-	Where use is permitted

PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-8B: Attached business sign, excludes stores or businesses in a complex.	1 per street frontage	15 sq. ft.	-	Height of building	-	12 in.	Where use is permitted
P-9: Business signs for shopping centers, malls, multi-use buildings and industrial parks (complexes).							
P-9A: Freestanding business sign for complex. Note: Individual stores or businesses are prohibited from having individual freestanding signs when located as part of a complex.	1 per street frontage	60 sq. ft.	10 ft.	-	15 ft.	-	A
P-9B: Attached business sign for complex.	1 per street frontage	40 sq. ft.	-	Height of building	-	12 in.	A



PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-9C: Attached business sign for individual stores or businesses within a complex.	1 per store or business	15 sq. ft.	-	Height of building	-	12 in.	A
P-10: Advertising sign.	See subsection d) of this Section						
P-11: Signs identifying use livestock raising	1 per lot	12 sq. ft.	5 ft.	Height of building	15 ft.	12 in	Where use is permitted

CHART B
PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is proceeding. <u>SIGN TO BE REMOVED UPON COMPLETION OF WORK OR OCCUPANCY OF THE BUILDING WHICHEVER COMES FIRST.</u>	1 per each separate firm involved in work on the site.	12 sq. ft. per sign	10 ft.	Height of building	10 ft.	12 in.	All
T-2: Real estate signs on individual properties that are for sale, rent or lease, or which have been sold, rented or leased. <u>SIGNS TO BE REMOVED WITHIN ONE WEEK OF SALE, RENT OR LEASE AGREEMENT.</u>	1 per street frontage of the lot	6 sq. ft. per sign	10 ft.	Height of building	10 ft.	12 in.	All
T-3: Signs announcing proposed housing developments, apartment complexes, or commercial, industrial or other non-residential development. <u>SIGNS TO BE REMOVED UPON 90% COMPLETION OF DEVELOPMENT OR WITHIN ONE YEAR OF ERECTION OF THE SIGN WHICHEVER OCCURS FIRST.</u>	1 per street frontage	20 sq. ft. per sign	10 ft.	Height of building	10 ft.	12 in.	Where use is permitted and development approved.



PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-4: Signs advertising the TEMPORARY sale of agricultural and horticultural products raised on property from which it is being sold. <u>TO BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE.</u>	1 per lot	12 sq. ft. per sign	10 ft. or building face	Height of building	6 ft.	12 in.	All
T-5: Temporary Directional signs. <u>NOT TO EXCEED ONE WEEK OF PLACEMENT.</u>	-	2 sq. ft. per sign	3 ft.	Height of building	3 ft.	12 in.	All, with permission of landowner on which sign is placed. Not on traffic or utility poles.
T-6: Signs announcing grand openings, new ownership, change of use, etc., on the site of the permitted use. <u>SIGNS SHALL BE REMOVED AFTER 7 DAYS.</u>	1 per lot (attached or free-standing)	20 sq. ft. per sign	30 ft. or building face	Height of building	10 ft.	12 in.	Where use is permitted.
T-7: Temporary signs announcing a special civic event not normally associated with a location or a location's use. (does not include yard/garage sales or special business promotion sales)							

PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-7A: On the site of the event. <u>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 7 DAYS FOLLOWING THE CONCLUSION OF THE EVENT.</u>	1 per frontage	20 sq. ft. per sign	10 ft. or building	Height of building	10 ft.	12 in.	All
T-7B: On a location away from the site of the event. <u>NOT TO EXCEED 90 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.</u>	-	6 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the land-owner on which the sign is placed. Not on traffic or utility poles.
T-8: Signs for a political election. <u>SIGNS SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 10 DAYS FOLLOWING THE PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER.</u>	-	4 sq. ft.	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the land-owner on which the sign is placed. Not on traffic or utility poles.



PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-9: Sidewalk sign for a commercial business. <u>SHALL BE DISPLAYED ONLY DURING NORMAL BUSINESS HOURS.</u>	1 per frontage	6 sq. ft. per sign	May be placed within street right-of-way, but not on a public sidewalk or between such sidewalk and the edge of the roadway.	-	4 ft.	-	Where use is permitted
T-10: Portable Business Sign. <u>SHALL NOT BE DISPLAYED MORE THAN ONCE A MONTH FOR A MAXIMUM OF 7 CONSECUTIVE DAYS</u>	1 per business frontage (a minimum of 75 feet must be maintained between signs)	36 sq. ft.	May be placed within the street right-of-way but not on a public sidewalk nor between such sidewalk and the edge of the roadway	-	6 ft.	-	Where use is permitted.

SECTION 408 PARKING

- a) **Size of Parking Space:** The parking space must have an area of not less than two hundred (200) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average three hundred (300) square feet per required parking space.
- b) **Spaces Required:** Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential Dwelling	1/2 Dwelling Unit, i.e., 2 spaces per dwelling unit
Rooming House	Bedroom
Hotel, Motel, Tourist Home	Guest sleeping room and each employee
Business and Professional Offices	300 sq. ft. of gross floor area and each employee
Retail Store or Shop, Personal Service Shop	200 sq. ft. of gross floor area
Restaurant	4 seats, plus one for each employee on the largest shift
Bowling Alley	1/2 lane, i.e., 2 spaces per lane
Billiard Room	1/2 table, i.e., 2 spaces per table
Other Recreational Establishments	100 sq. ft. of gross floor area
Automobile Repair, Service Station	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Other Commercial Buildings	400 sq. ft. of gross floor area
Hospital, Nursing Home, Convalescent Home	1/2 bed, i.e., 2 spaces per bed

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Auditorium, Church, Theater & Other such places of Public Assembly	200 sq. ft. of gross floor area but not less than 1 space per each 4 seats
Industrial & Heavy Commercial Establishments	1 1/2 employees on major shift but at least 1 space for each 5,000 sq. ft. of gross floor area
Funeral Home	100 sq. ft. of gross floor area
Clubs, Lodges and Other Similar Places	100 sq. ft. of gross floor area
Shopping Center, Shopping Mall, Shopping Plaza	180 sq. ft. of gross leasable floor area
Schools	Staff member plus one (1) space per classroom in an elementary or junior high school and one (1) space per five (5) students of projected building capacity in a senior high school or college.
Outdoor Sales, Vehicle Sales	20% of sales area to be reserved for customer parking

In the case of an addition or enlargement of a building existing on the date of adoption of this Ordinance, parking spaces must be provided to the extent to which the required spaces of the altered or enlarged building exceed those applicable to the original building or use.

- c) **Location:** Except as restricted elsewhere in this Ordinance, a ground-level parking area/lot for all uses is permitted in any yard area provided that it is at least ten (10) feet from the street right-of-way line and at least three (3) feet from a side or rear property line. The required parking area must be on the same premises as the principal use.
- d) **Layout:** Parking areas must be arranged so there will be no need for motorists to back over public rights-of-way.

- e) **Parking Area Adjacent to Street:** For multi-family and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Borough Engineer must line the public right-of-way, sidewalk or walkway except at access points so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
- f) **Paving:** For all uses required parking areas shall be paved with concrete or bituminous paving material, or other material of a sort acceptable to the Borough Engineer.
- g) **Drainage:** All parking areas and lots shall be drained so as to prevent damage to other properties or public streets. All parking lots and areas shall be designed to prevent the collection of standing water on any portion of the parking lot surface.
- h) **Lighting:** Adequate lighting shall be provided if the parking lot is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.
- i) **Marking of Parking Spaces:** Each parking space for a multi-family, commercial or industrial use in a parking area or lot shall be clearly marked by a permanent, durable, contrasting material.

SECTION 409 LOADING

- a) **Spaces Required:** Any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. Such areas shall be provided in addition to, and independent of, any parking area requirements.

Off-street loading spaces must be provided in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Commercial	1 space for a gross floor area of 5,000 to 25,000 square feet and 1 additional space for each 40,000 square feet of gross floor area in excess of the first 25,000 square feet.
Office, financial institution, theater, auditorium, hotel, hospital or other institution, bowling alley or other indoor recreational establishment	1 space for a gross floor area of 10,000 to 100,000 square feet and 1 additional space for each 100,000 square feet in excess of the first 100,000 square feet.

Type of Use

Number of Loading Spaces

Industry or manufacturing

1 space for a gross floor area of 2,000 to 25,000 square feet and 1 additional space for each 20,000 square feet of gross floor area in excess of the first 25,000 square feet.

Wholesale, storage or warehousing (excludes mini-storage facilities for which no loading spaces are required)

1 space per establishment and 1 additional space for each 40,000 square feet in excess of the first 10,000 square feet.

b) **Size:** The following table lists required minimum loading space sizes:

<u>Use</u>	<u>Length</u>	<u>Width</u>	<u>Height if covered or obstructed</u>
Industrial, wholesale and storage uses	60 feet	12 feet	15 feet
All other uses	40 feet	12 feet	15 feet

c) **Surfacing:** All loading areas must be surfaced with a bituminous or concrete paving material.

d) **Location:** The loading area must be arranged so that there will be no need for vehicles to back over public rights-of-way or cause the stacking of vehicles upon a public street. No loading area shall be located between the front wall of a principal building and the street line. Where possible, off-street loading facilities shall be located on the side of a building which does not face adjoining land in a Residential-Agricultural Zone.

e) **Drainage:** All loading areas shall be drained so as to prevent damage to other properties or public streets. All loading spaces shall be designed to prevent the collection of standing water on any portion of the loading area surface.

f) **Lighting:** Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

SECTION 410 SCREENS AND BUFFERS

- a) **Screens:** Where an industrial or commercial use in any zone abuts a residential use, except for street frontage, a solid fence or vegetative screen a minimum of six (6) feet in height acceptable to the Borough shall be erected to screen from view (of the residential use) the industrial or commercial use.

Where a vegetative screen is used, such screen planting shall be approved by the Borough Engineer and shall consist of evergreen plantings of a minimum height of three (3) feet when planted. Such plants shall achieve a minimum mature height of six (6) feet. Vegetative screens shall receive continuing maintenance, which shall include the replacement of any dead or diseased plantings.

- b) **Buffers:** Buffer yards shall be provided in accordance with the following standards:
1. A buffer yard a minimum of fifty (50) feet in width shall be required in all cases where commercial and/or industrial structures abut lots used for residential and/or agricultural purposes.
 2. Where a public street exists no buffer yard shall be required along that street's frontage.
 3. The required yard space for the Zone in which the use is located shall be considered as part of the buffer yard.
 4. That portion of the buffer which is the required yard shall be planted with grass seed, sod, or ground cover; and where specified, dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.
 5. No structure, manufacturing or processing activity, or storage of material shall be permitted in buffer yards; however, access drives may cross the buffer yards.
 6. At locations determined by the Borough Council or Zoning Hearing Board as may be applicable, a dense screen planting shall be required in a buffer yard and shall consist of trees, shrubs and other plant material arranged in a manner to serve as a barrier to visibility, air borne particles, glare and noise.
 7. When owing to existing conditions, the provisions of the buffer yard would create a hardship, the Zoning Hearing Board may authorize a reduction and/or waive the requirements for a buffer yard.

SECTION 411 DRAINAGE

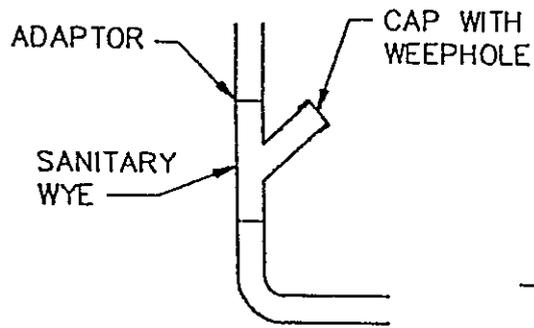
- a) **Lot Drainage:** Lots shall be laid out and graded to provide positive drainage away from proposed and existing buildings and on-site sewage disposal facilities and to prevent the collection of storm water in pools. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

- b) **Nearby Existing Facilities:** Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.

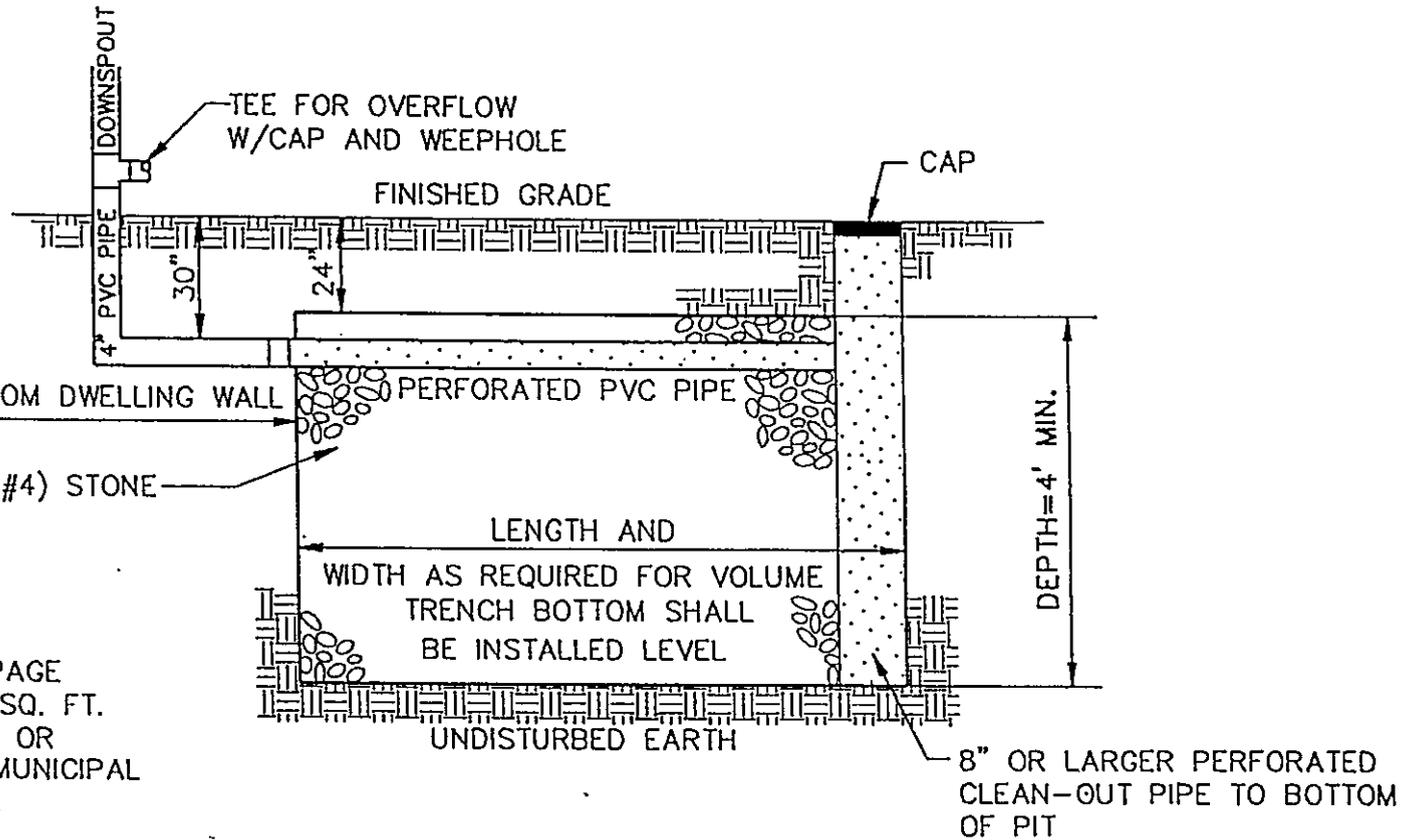
- c) **Open Drainageways:** When open drainageways are used for the disposal of storm water, the Borough Engineer shall review the design of such open drainageways in relation to the following:
 - 1. Safety: Steep banks and deep pools shall be avoided.
 - 2. Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
 - 3. Stagnation: Design of open drainageways shall not create stagnant pools.
 - Whenever the evidence available to the Borough indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities, as necessary, to:
 - a. Permit the unimpeded flow of natural watercourses.
 - b. Ensure the drainage of all low points along the line of streets.
 - c. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
 - d. Provide adequate drainage away from on-site sewage disposal facilities.

- d) **Drainage Upon Adjacent Properties:** In the design of storm drainage facilities, consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would:
 - 1. result in increasing any portion of the slope steeper than one (1) foot of vertical measurement for four (4) feet of horizontal measurement for fills, or one (1) foot vertical measurement for four (4) feet of horizontal measurement for cuts, within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided, or

2. result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.
- e) **Drainage Onto Streets:** In order to minimize improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveway or access drive must be at a grade in satisfactory relationship:
1. with the established street grade, or
 2. with the existing street grade where none is established.
- f) **Obstruction to Drainage Prohibited:** The damming, filling or otherwise interfering with the natural flow of a surface water course is not permitted without approval of the Borough Council and the Pennsylvania Department of Environmental Resources.
- g) **Drainage Facilities** - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. Plans shall be subject to the review and approval of the Borough Council upon recommendation of the Borough Engineer. Drainage plans shall be consistent with local and regional drainage plans.
- h) **Roof Drain Seepage Pits** - All dwellings must utilize roof drain seepage pits for storm water. Such pits shall be constructed in accordance with the following criteria:
1. Seepage pits must provide a volume of one (1) cubic foot for every two (2) square feet of roof surface.
 2. AASHTO #1 (Penn DOT #4) stone must be used in the seepage pit.
 3. A filter cloth liner must be used on the sides, top and bottom of the seepage pit.
 4. Seepage pits must be located a minimum of ten (10) feet from the wall of a dwelling.
 5. The inlet pipe for the seepage pit must be no less four (4) inches in diameter and shall have an above-ground overflow tee with a cap and weep hole.
 6. A seepage pit shall have a capped, perforated clean-out pipe for access to the pit.
 7. Prior to installation of a seepage pit, a soil percolation test by the zoning officer may be required.



ALTERNATE



* AASHTO #1 (PENNDOT #4) STONE

VOLUME REQUIRED:
 1 CU. FT. OF SEEPAGE
 PIT FOR EVERY 2 SQ. FT.
 OF ROOF SURFACE OR
 AS SPECIFIED BY MUNICIPAL
 ENG., DUE TO SITE
 CONDITIONS.

* TOP 12" OF STONE MAY
 BE $\frac{3}{4}$ " IN SIZE TO AID IN
 PIPE INSTALLATION

DETAIL
TYP: ROOF DRAIN SEEPAGE PIT

SCALE: NONE

TRENCH SHALL BE LINED WITH PADOT CLASS 1 GEOTEXTILE MATERIAL PER PUBLICATION 408, SECTION 212.3b. ALLOW 1' OVERLAP ACROSS BACKFILL AT TOP OF TRENCH AND ALSO AN OVERLAP OF 1' AT END OF ROLLS.

ALL DWELLINGS MUST UTILIZE ROOF DRAIN SEEPAGE PITS. A PERC TEST BY THE ZONING OFFICER MAY BE REQUIRED.

SECTION 412 DRIVEWAYS

- a) **Width:** Within ten (10) feet of the street right-of-way, access driveways may not exceed twenty (20) feet in width.
- b) **Number:** The number of driveways may not exceed two (2) per lot on any one (1) street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.
- c) **Offsets:** Driveways may not enter a public street:
 - 1. Within forty (40) feet of the street right-of-way line of any intersecting street.
 - 2. Within five (5) feet of a fire hydrant.
 - 3. Within twenty-five (25) feet of another driveway on the same property.
 - 4. Within three (3) feet of an adjoining property line.
- d) **Sight Distances:** A driveway must be located in safe relationship to sight distance and barriers to vision.
- e) **Slope:** The driveway may not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way line. Slopes over 5% must be paved.
- f) **Cuts:** Where a driveway enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the roadway.
- g) All lots must have a separate driveway located on the lot which that drive serves, i.e., one driveway may not serve more than one lot, except for pre-existing, land-locked lots of record.

SECTION 413 ACCESS DRIVES

- a) **Width:** Access drives shall have a twenty-four (24) foot right-of-way. The minimum pavement width for access drives shall be twenty-four (24) feet [two (2) twelve (12) foot traffic lanes].
- b) **Number:** The number of access drives may not exceed one (1) per lot on any one (1) street frontage. The Zoning Hearing Board may grant permission by special exception for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

Where access from an arterial or collector street may be necessary for several adjoining lots, the Borough may require that such lots be served by one (1) or more combined access drives in order to limit possible traffic hazards on such streets.

c) **Location, Design:** Access drives shall have the following characteristics:

1. The vertical and horizontal alignments of access drives shall conform to the specifications for local streets as stated in the Borough Subdivision and Land Development Ordinance if applicable.
2. At its intersection with a street, no part of any access drive shall be nearer than fifty (50) feet to the right-of-way line of any intersecting street.
3. No part of an access drive shall be located closer than three (3) feet to an adjoining property line where such an access enters a public street.

d) **Paving:** All access drives having a grade (slope) which exceeds eight (8) percent or as recommended by the Borough Engineer shall be paved with concrete or a bituminous paving material. The minimum specifications shall be eight (8) inches of base compacted and three and one-half (3 1/2) inches of bituminous, concrete or other approved paving material; however, if special conditions warrant the Borough may require more stringent provisions.

SECTION 414 ILLUMINATION

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties or obstructs the vision of motorists.

SECTION 415 DEMOLITION

Demolition of any structure must be completed within twelve (12) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting debris from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence.

SECTION 416 BUILDINGS UNDER CONSTRUCTION

A building, the foundation of which was completed before the effective date of this Ordinance, may be constructed without being bound by the requirements of this Ordinance provided that the construction is completed within one (1) year after the

effective date of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

SECTION 417 DIVISION OF BUILT-ON LOTS

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance and the Borough Subdivision and Land Development Ordinance.

SECTION 418 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

SECTION 419 NONCONFORMITIES

a) Continuance:

1. Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.
2. Any nonconforming lot or structure lawfully existing at the date of the adoption of this Ordinance may be continued.

b) Expansion or Alteration:

1. Upon application for a special exception and in accordance with the provisions of Articles V and VI the Zoning Hearing Board may approve the expansion of a use of land or building which is not in conformance with the provisions of this Ordinance.
2. Any alteration that will reduce the extent of a nonconformity shall not require special exception approval.

- c) **Replacement:** A nonconforming building or structure may be replaced only in conformance with the provisions of this Ordinance. This includes, but is not limited to, the removal of mobile or modular buildings or structures. If such a nonconforming building or structure is removed, it cannot be replaced unless it conforms with all requirements of this Ordinance.
- d) **Restoration:** If any nonconformity is destroyed in whole or in part by reason of windstorm, fire, explosion or other act of God or a public enemy said nonconformity may be restored to the extent of the nonconformity prior to destruction; providing that restoration is begun within one (1) year following said destruction. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.
- e) **Abandonment:** A nonconforming use shall be deemed to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance provided however that the keeping of livestock within the Residential-Agricultural Zone shall not be deemed abandoned until a five (5) year period has transpired from the date of cessation or discontinuance of that use.
- f) **Reversion:** No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
- g) **Zone Changes:** Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
- h) **Identification and Registration:** Nonconforming uses and nonconforming structures may be identified and registered by the Zoning Officer.

SECTION 420 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Borough Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the zoning ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the zoning ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

SECTION 421 SALE OF AGRICULTURAL PRODUCTS

The sale at retail of agricultural products is permitted in any zone on the property where they were produced so long as the sale of such products is clearly accessory to the principal use on that property. (See Section 401 c) 3.)

SECTION 422 LOT FRONTAGE

A lot must abut by its full required frontage (minimum lot width, as defined in Section 203 of this Ordinance, measured at the street right-of-way line) on a dedicated public street, except as otherwise provided in the Borough Subdivision and Land Development Ordinance.

SECTION 423 DISPLAY UNITS AND/OR VENDING MACHINES

No newspaper sales machines, vending machines, or any type of display unit may be placed on a public sidewalk or other public right-of-way.

SECTION 424 HOME OCCUPATION

Home occupations shall be conducted in accordance with the following requirements:

- a) The following requirements shall apply to all home occupations:
 - 1. The home occupations shall be carried on only by the member of the immediate family of the operator residing on the lot where the home occupation will be located and a maximum of one non-resident employee;
 - 2. The character or external appearance of the dwelling unit or accessory structure utilized for the home occupation must be that of a dwelling or structure normally accessory to a dwelling. No display of products may be shown so as to be visible from outside the dwelling or the accessory structure. A name plate not larger than two (2) square feet area shall be permitted. It must be illuminated only by indirect lighting;

3. Not more than thirty (30%) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation;
 4. In addition to the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:
 - (i) One space for the home occupation, and one space for each employee outside the immediate family;
 - (ii) Three additional spaces for a physician or dentist
 5. The premises must at all times be kept neat and orderly.
 6. The use shall not involve any waste product other than domestic sewerage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act);
- b) If the home occupation meets all of the above requirements and all of the following requirements, it shall be permitted in any zone upon receipt of a use certificate to be issued by the Borough Zoning Officer.
1. The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bake shops, handcraft shops, are examples of the types of uses which normally will meet this requirement.
 2. The use will not involve any dimensional alteration to any existing building or construction or placement of any new building;
 3. The use will not involve any outside storage;
 4. The use will not be one which tends to create dust, heat, glare, smoke, vibration or odors outside the building in which the use is being conducted. Motor vehicle repair is a use which tends to create noise audible outside the building in which the use is being conducted.
 5. The applicant must include with the application for a use certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use. The applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above enumerated requirements as well as the requirements of Section 424(a) of this Ordinance will be met. The use certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of Section 424(a) and Section 424(b) continue to be met.

Copies of these requirements will be attached to the use certificate.

- c) If the proposed use would fail to meet one or more of the requirements of Section 424(b), the use will be permitted only following application and approval as a special exception by the Zoning Hearing Board (see Section 618). The Zoning Hearing Board shall review the application and approve it only if the applicant establishes that all of the requirements of Section 424(a) will be met and the applicant also establishes that the additional requirements contained in Section 618 will be met.

- d) Except for a "home occupation" or permitted "care facility" there may be no business use or other use involving monetary receipt to the property owner or operator of the "use" accessory to the use of a lot for residential purposes.

ARTICLE V

ZONING HEARING BOARD

SECTION 501 POWERS AND DUTIES - GENERAL

- a) **Membership of Board:** The membership of the Board shall, upon the determination of the Borough Council consist of either three (3) or five (5) residents of the Borough appointed by resolution of the Borough Council. The terms of office of a three (3) member board shall be three years (3) and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The Borough Council shall appoint two (2) additional members to the Zoning Hearing Board with terms scheduled to expire in accordance with the provisions of this subsection. The Zoning Hearing 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.

The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provision of Subsection b), 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 Borough. 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 907 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, unless designated as a voting alternate member pursuant to Subsection b).

- b) **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 the 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 502.

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 Subsection 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 municipality 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 once a year.

c) Powers: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:

1. Substantive challenges to the validity of any land use ordinance except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance.
5. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions with a land use ordinance, pursuant to Section 503.
6. Applications for special exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provision within a land use ordinance, pursuant to Section 504.
7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provision of the zoning Ordinance.

8. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.
 9. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.
- d) **Board Calendar:** Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Zoning Officer. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. A hearing must be held within sixty (60) days from the date the appeal or application is filed, unless the applicant has agreed, in writing, to an extension of time.

SECTION 502 PUBLIC HEARINGS

- a) **Notice; Conduct of Meeting:** Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, to each property owner within two hundred (200) feet of the property involved and to any person who, at least two (2) weeks prior to the scheduled hearing, has made request for the same. The Borough Secretary, upon notification by the Secretary of the Zoning Hearing Board, shall give written notices by personal delivery or by regular mail to said persons at their last known address at least fourteen (14) days, but not more than thirty (30) days, prior to the date of the hearing, stating the time, and place of the hearing and the particular nature of the matter to be considered at the hearing. If mailed, the notice shall be deemed to be given on the date mailed. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

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

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 Borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

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 with any party or his representative unless all parties are given an opportunity to be present.

- b) Representation; Statements:** Parties to the hearings 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 the 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.

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.

Statements are to be made in the following order or as the Chairman may direct:

1. Applicant or appellant.
2. Zoning Officer and other officials.
3. Any private citizen.

The applicant or appellant must be given an opportunity for rebuttal.

- c) Witnesses:** 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.
- d) Decision Procedure:** The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of

findings is final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date the appeal or application is filed with the Borough, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein-above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

- e) **Records:** 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 from 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.

SECTION 503 VARIANCES

- a) **Filing of Variance:** An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies

given to the Zoning Officer and Borough Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of the authorization of the variance.

- b) **Referral to Planning Commission:** All applications for a variance shall be referred to the Planning Commission for a report.
- c) **Standards for Variance:** Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:
 - 1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) 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 the Zoning Ordinance in the neighborhood or zone in which the property is located.
 - 2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3. The unnecessary hardship has not been created by the appellant.
 - 4. The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- d) **Conditions:** In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

SECTION 504 SPECIAL EXCEPTIONS

a) Filing of Special Exceptions: For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show --

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

b) Temporary Special Exceptions: A temporary special exception may be granted for the following uses:

1. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which --
 - a. Is beneficial to the public health or general welfare, or
 - b. Is necessary to promote the proper development of the community, or
 - c. Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Township.

2. A temporary special exception may be granted by the Zoning Hearing Board to the owner(s) of a lot to place one (1) mobilehome on the lot where the same would not otherwise be permitted by the provisions of this Ordinance provided that --
 - a. The property owner(s) reside on the lot on which the mobilehome is to be placed.
 - b. The sole purpose of the mobilehome is to house the great-grandparents, grandparents, parents, children, grandchildren or great-grandchildren of the owner(s) and for one (1) such family member's spouse and children.

- c. The special exception shall be issued only upon the finding that there is a genuine physical or medical hardship involved to either the occupant of the mobilehome to be placed on the lot, or to the owner of the pre-existing residential unit on such lot, which requires that the occupant of the mobilehome for which the special exception is granted live in close proximity with the owner of the lot on which the mobilehome is placed and that there is no reasonable way in which the requirements of this Ordinance can be satisfied.
 - d. Placement of the mobilehome on the lot must be in conformance with the minimum building setback requirements for the zone in which located.
 - e. The mobilehome shall be connected to separate sewage disposal facilities. The applicant shall submit a Planning Module for Land Development required by the Pennsylvania Department of Environmental Resources and if required obtain a sewage permit from the Borough Sewage Enforcement Officer.
 - f. The mobilehome shall be connected to a potable water supply.
 - g. No permanent foundation for the mobilehome shall be constructed on the lot.
 - h. This temporary special exception shall be issued for a period not exceeding one (1) year and shall be renewable on an annual basis provided that conditions warranting the special exception continue. The temporary special exception shall be null and void if the owner does not submit a request for renewal at least thirty (30) days prior to its expiration or if one of the above requirements is violated.
 - i. The mobilehome shall be removed within ninety (90) days after the temporary special exception expires without cost to the Borough.
- c) **Referral to Planning Commission:** All applications for a special exception shall be referred to the Borough Planning Commission for a report.
 - d) **Conditions:** The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare, the Comprehensive Plan, and the Community Development Objectives contained herein, including conditions which are more restrictive than those established for other uses in the same zone.
 - e) **Application of Extent of Use Regulations:** The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare, the Comprehensive Plan, and Community Development Objectives contained herein.

f) **General Standards:** A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
5. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

g) **Special Standards:** In addition to the general standards for all special exceptions as contained in Section 504.f the specific standards for particular uses as listed in ARTICLE VI must be met prior to the granting of a special exception.

ARTICLE VI

STANDARDS FOR SPECIAL EXCEPTION USES

SECTION 601 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all special exceptions as contained in Section 504, the specific standards for the particular uses allowed by special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

SECTION 602 ADULT ORIENTED FACILITY

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) No materials, merchandise, film, or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.
- b) Any building or structure used and occupied as an Adult Oriented Facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- c) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- d) Each and every entrance to the structure shall be posted with a notice that the use is an Adult Facility; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.
- e) Parking shall be established at the minimum ratio of one (1) parking space for each one hundred (100) square feet of gross floor area and one (1) parking space for each employee.

SECTION 603 ANIMAL HOSPITAL

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks: All buildings, animal runs, fenced enclosures and similar structures shall comply with minimum setback requirements.
- b) All animals must be housed within a structure except while exercising.
- c) All outdoor running or activity areas must be enclosed to prevent the escape of the animals. All such enclosures shall be set back at least ten (10) feet from all property lines.
- d) Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

SECTION 604 APARTMENT IN CONJUNCTION WITH A COMMERCIAL ESTABLISHMENT

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Apartments are permitted as an accessory use above the first floor of a commercial use.
- b) A separate entrance must be provided for the residential use.
- c) The open area provided for the lot must include a minimum of four hundred (400) square feet of open area for each dwelling unit.
- d) All parking, habitable floor area and other applicable requirements of this Ordinance shall be satisfied for the apartment in addition to those required for the commercial use.

SECTION 605 AUTOMOBILE, RECREATIONAL VEHICLE, AND/OR TRAILER SALES, AUTOMOBILE BODY SHOP AND/OR AUTOMOBILE GARAGE

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) For automobile or trailer sales, the lot must be improved with a building containing any office, display room and appurtenant facilities.

- b) All service and/or repair activities shall be conducted within a wholly-enclosed building.
- c) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the service repair operation shall be permitted.
- d) All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties or residential uses.
- e) The demolition or junking of automobiles is prohibited.

SECTION 606 AUTOMOBILE WASHING FACILITY

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) All structures housing washing apparatus shall be set back at least fifty (50) feet from any street right-of-way line and twenty-five (25) feet from any side or rear property line.
- b) Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- c) Access shall be via an arterial or collector street as identified by the Borough's Comprehensive Plan.
- d) Sufficient stacking lanes shall be provided on-site to prevent vehicle back-up on adjoining roads.
- e) Sewer and water facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.

SECTION 607 BED AND BREAKFAST INN

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family dwelling.
- b) Guest stays shall be limited to a maximum of fourteen (14) days.
- c) Meals shall only be served to overnight lodgers.

- d) A minimum of one (1) off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
- e) One (1) sign may be erected on the property for a bed and breakfast inn. The maximum size of the sign shall be two (2) square feet and such sign may be illuminated only by indirect lighting.
- f) The Inn must comply with local regulations including, but not limited to, fire, health and building codes where applicable.

SECTION 608 CEMETERY

In a R-A or A Zone and subject to the requirements of the zone in which located as herein modified and provided:

- a) All burial plots or facilities shall be located at least thirty (30) feet from all property or street lines.
- b) 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.
- c) No burial plots or facilities are permitted on land subject to flooding.
- d) Pet cemeteries must meet all of the above applicable requirements.

SECTION 609 CLUB ROOM, CLUB GROUNDS, MEETING HALL

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) 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.
- b) The use shall not constitute a public or private nuisance.

SECTION 610 COMMERCIAL PARKING LOT OR BUILDING

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Not more than eighty percent (80%) of the lot area shall be covered with impervious surfaces.

- b) No sale, rental, service or repair operation is permitted.
- c) The design of the parking facility must be approved by the Borough Engineer with regard to layout, access, drainage and dimensions of aisles.
- d) 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.
- e) To protect other vehicles and pedestrians in the immediate area of such a use; railing, fencing, posts and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits.

SECTION 611 DAY CARE CENTER (CHILD OR ADULT) OR NURSERY SCHOOL

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Borough prior to occupancy approval by Cross Roads Borough.
- b) Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- c) At least one (1) parking space for each employee plus one (1) space for each one hundred (100) square feet of habitable floor area shall be provided.

SECTION 612 DOMICILIARY CARE HOME

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Cross Roads Borough.
- b) Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single family residence.
- c) The domiciliary care home must be owner occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.

- d) No facilities for cooking or dining shall be provided in individual rooms or suites.
- e) The home must comply with all local regulations including but not limited to fire, health and building codes.

SECTION 613 DRIVE-IN BUSINESS

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access must be via an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) Setbacks: All buildings must be setback at least twenty-five (25) feet from any property line and fifty (50) feet from a street line.
- c) Buffers and screens shall be provided as accessory to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open space.

SECTION 614 GREENHOUSE, HORTICULTURAL NURSERY

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The display, sale, or repair of motorized nursery, lawn or garden equipment shall be permitted only in the A Zone.
- b) Outdoor display areas shall be setback a minimum of twenty-five (25) feet from the right-of-way of any adjoining street; however, no outdoor display of tools or equipment is permitted in the R-A Zone.
- c) All structural improvements, i.e., buildings, parking and loading facilities, shall be screened from adjoining properties where the use abuts a Residential-Agricultural Zone or residential use.

SECTION 615 GROUP DAY CARE HOME

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The facility shall obtain a certificate of licensure or approval from the Pennsylvania Department of Public Welfare and shall provide a copy of the certificate to the Borough.

- b) Outdoor play areas for children shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- c) A resident of the dwelling shall operate the facility. At all times when there are more than six (6) children at the facility, a minimum of two (2) caregivers must be present. However no more than two (2) nonresident persons may be employed as caregivers.
- d) Day care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.
- e) In addition to the required parking for the dwelling unit, one (1) parking space must be provided for each nonresident employee plus at least two (2) spaces for the day care facility.

SECTION 616 GROUP QUARTERS

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) A minimum of two hundred and fifty (250) square feet of habitable floor area shall be provided for each occupant.
- b) A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
- c) Off-street parking shall be provided for each group quarters based upon one (1) parking space for each occupant.
- d) The use shall either be connected to a public sewer system approved by the Pennsylvania Department of Environmental Resources or evidence must be submitted indicating that the on-lot sewage disposal system is capable of handling the projected daily sewage flow.
- e) All group quarters shall comply with all applicable building, health, safety and fire codes.

SECTION 617 HALF-WAY HOUSE

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.

- b) A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
- c) The facility must be served by sewage disposal and water supply facilities approved by the Pennsylvania Department of Environmental Resources.
- d) All half-way houses shall comply with all applicable building, health, safety and fire codes.
- e) Off-street parking shall be provided for each half-way house based upon one (1) parking space for each occupant and employee.

SECTION 618 HOME OCCUPATION (see Section 424)

In any zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. The premises will be kept neat and orderly and there will be no outdoor storage of the following:
 - (i) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operations pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered;
 - (ii) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered, but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code;
 - (iii) Discarded motor vehicle parts or accessories;
 - (iv) Other trash or junk as defined in this Ordinance.
2. The use will not involve noise audible to neighboring residents between 6:00 P.M. and 7:00 A.M. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7:00 A.M. and 6:00 P.M. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.

3. If a new building is to be constructed or placed, or an existing accessory building is to be enlarged to accommodate the proposed use, the building after the enlargement or construction shall not have a ground floor area in excess of fifty (50%) percent of the ground floor area of the dwelling unless the building is at least five hundred (500) feet from any neighboring residence;
4. The use shall not create any vibrations, smoke dust, odor, heat or glare detectable beyond the property of the owner of the use.
5. Unless the use is to be located in an existing building, it shall be located on land of low quality for agricultural use as described in the first sentence of Section 304(b)1.b. of this Ordinance.

SECTION 619 HOUSE OF WORSHIP

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Side Setback: Minimum side setbacks of twenty-five (25) feet each shall be provided.
- b) All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line or property line.
- c) 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.
- d) Any associated residential use shall either be located on a separate lot or be positioned so that the lot on which it and the house of worship are located could subsequently be subdivided, separating each use yet meeting all applicable dimensional requirements of the zone in which located. The residential use shall be subject to all applicable regulations of this Ordinance.
- e) Any associated educational or day care uses shall be considered accessory and located on the same lot as the house of worship.

SECTION 620 KENNEL

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Setbacks: All buildings and structures shall comply with minimum setback requirements.

- b) All animals must be housed within a structure except while exercising.
- c) All outdoor running or activity areas must be enclosed to prevent the escape of the animals. All such enclosures shall be set back at least fifty (50) feet from all property lines.
- d) Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- e) A vegetative screen at least four (4) feet in height, consisting of a double row of alternately spaced plantings must surround kennel buildings and structures.

SECTION 621 MEDICAL CLINIC

In an R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Sewer and water facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- b) Buffers and screens shall be provided as accessory to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- c) Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
 - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 - 2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
 - 3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one (1) sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, nonflashing, and limited to an enclosed lamp design.

**SECTION 622 MULTI-FAMILY OR SINGLE FAMILY ATTACHED
DWELLINGS**

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) In the case of a multi-family dwelling where the dwelling units are located on a single lot and share with other units a common yard area the following requirements shall apply:
 - 1. Lot Area: One and one-half acre (65,340 square feet) minimum; no maximum lot area.
 - 2. Lot Width: Two hundred (200) feet minimum.
 - 3. Height: Three (3) stories maximum.
 - 4. Density: A maximum of eight (8) dwelling units per acre shall be permitted.
 - 5. Public or community water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
 - 6. Distance between Buildings: Where two (2) or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be forty (40) feet.
 - 7. All parking areas shall be located at least ten (10) feet from any property line or street line.
 - 8. 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.
 - 9. In the case of row dwellings, there shall be no more than eight (8) dwellings in any one (1) row.
 - 10. A minimum side setback of twenty-five (25) feet shall be provided.

- b) In the case of single family attached dwellings, such as townhouses and row houses, where individual dwelling units are located on separate lots, the following requirements shall apply:
 - 1. Lot Area: Each lot shall have a minimum area of three thousand (3,000) square feet.
 - 2. Lot Width: Each lot shall have a minimum width of twenty (20) feet.

- 3. There shall not be more than eight (8) dwelling units in any one (1) row.
 - 4. Dwelling units at the end of a row shall have a minimum side setback of twenty-five (25) feet.
 - 5. Public or community water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- c) Provisions for the future maintenance of all common areas for either multi-family or single family attached dwellings including, but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property owner's association, shall be subject to the approval of the Zoning Hearing Board.

SECTION 623 MULTI-FAMILY OR TWO FAMILY CONVERSION

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) There shall be a minimum of four thousand (4,000) square feet of lot area per dwelling unit.
- b) Where an existing dwelling is converted to a multi-family or two family dwelling, the character of the existing structure shall be maintained except for the addition of a fire escape if necessary.
- c) Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
- d) For two-family conversions, a recordable use and maintenance agreement must be provided which notes the rights and responsibilities of the residents of both dwelling units with regard to all shared systems, including but not limited to sewer and water systems and driveways.
- e) In the case of multi-family conversions, public or community sewer and water facilities approved by the PA Department of Environment Resources must be utilized.
- f) The structure shall comply with all applicable rules and regulations including, but not limited to, fire, health, safety and building codes.

SECTION 624 NONCONFORMITY, EXPANSION OF

In any zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- b) The total of all such expansions of use shall not exceed an additional thirty-five percent (35%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- c) Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- d) 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.
- e) 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, and maintenance in good condition of all improvements and open spaces.
- f) 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.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

**SECTION 625 PARK OR OTHER RECREATION AREA OF A NONPROFIT
NATURE**

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The Zoning Hearing Board shall review and decide upon the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.
- b) To the extent possible, existing trees and vegetation shall be preserved.

SECTION 626 PERSONAL CARE BOARDING HOME

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) The applicant must secure a license from the Pennsylvania Department of Public Welfare and submit a copy of said license to the Borough prior to occupancy approval by Cross Roads Borough.
- b) No kitchen or dining facilities shall be permitted in individual rooms or suites.
- c) The facility must meet all applicable fire, health, safety and building codes.
- d) Sewage disposal and water supply facilities approved by the Pennsylvania Department of Environmental Resources must be utilized. If existing sewage disposal facilities are to be utilized certification must be submitted to assure that such facilities are capable of adequately serving the proposed use.
- e) At least one (1) parking space for each employee plus one (1) parking space for each bedroom shall be provided.

SECTION 627 PUBLIC BUILDINGS AND FACILITIES

In an R-A or A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Outdoor storage of materials and vehicles and related apparatus shall be prohibited unless completely enclosed with a six (6) foot high fence and screened from adjoining streets and properties.
- b) Screening or fencing may be required where determined appropriate to form an effective visual barrier between the use and adjoining properties.
- c) All off-street parking shall be at least ten (10) feet from adjoining property lines.

SECTION 628 PUBLIC OR SEMI-PUBLIC PARKING LOT

In the R-A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Not more than eighty percent (80%) of the lot shall be covered with impervious surfaces.

- b) To protect other vehicles and pedestrians in the immediate area of such a use; railing, fencing, posts and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits.
- c) 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.

SECTION 629 PUBLIC UTILITY BUILDING AND/OR SERVICE STRUCTURE

In any zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Vehicles and equipment which are not stored within an enclosed building shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. Such fence must be surrounded by evergreen plantings.
- b) There shall be no specific minimum lot size or minimum lot width; however, each lot shall provide front, side and rear setbacks in compliance with the requirements of the zone in which located.
- c) Satisfactory provisions shall be made to minimize harmful or unpleasant effects, e.g., noise, vibration, smoke and odor.

SECTION 630 ROOMING HOUSE

In the R-A zone and subject to the requirements of that zone except as herein modified and provided:

- a) Any structure proposed as a rooming or boarding house shall have a habitable floor area in addition to that required for the person or family operating the facility of at least three hundred (300) square feet for each roomer or boarder.
- b) No facilities for cooking or dining shall be provided in individual rooms or suites.
- c) All rooming and boarding houses shall comply with all applicable Federal, State, and local regulations including but not limited to fire, health, safety and building codes.
- d) Sewer and water facilities approved by the Pennsylvania Department of Environmental Resources must be utilized. If existing sewage disposal facilities are to be utilized certification must be submitted to assure that such facilities are capable of adequately serving the proposed use.

SECTION 631 SERVICE STATION OR CONVENIENCE STORE DISPENSING FUEL

In the R-A or A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Gasoline pumps, and all service equipment must be set back at least twenty-five (25) feet from any lot line or street right-of way line and located so that vehicles stopped for service will not extend over the property line.
- b) Two access drives may be permitted but must be located as follows:
 - 1. Minimum Offset from Intersection of Street Right-of-way Lines: Forty (40) feet.
 - 2. Side Lot Line Offset: Ten (10) feet.
 - 3. Minimum Separation of Drives on Same Lot: Twenty-five (25) feet.
- c) All lights must be diverted toward the facility or downward on the lot.
- d) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- e) At least ten percent (10%) of the lot on which the facility is situated must be devoted to natural landscaping.

SECTION 632 TWO FAMILY DETACHED DWELLING

In the R-A Zone and subject to the requirements of that Zone except as herein modified and provided:

A recordable use and maintenance agreement must be provided which notes the rights and responsibilities of the residents of both dwelling units with regard to all shared systems, including but not limited to sewer and water systems and driveways.

ARTICLE VII
CONDITIONAL USES

SECTION 701 CONDITIONAL USES

a) **Filing of Conditional Uses:** For any use permitted by conditional use, approval for such use must be obtained from the Borough Council. In addition to the information required on the building permit application, the conditional use application must show --

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the Borough Council, a conditional use authorized by the Council expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the conditional use.

b) **Referral to Planning Commission:** All applications for a conditional use shall be referred to the Borough Planning Commission for a report, which shall be considered at the hearing for said use.

c) **Conditions:** The Borough Council in considering conditional use applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.

d) **Application of Extent of Use Regulations:** The extent-of-use regulations as set forth in this Ordinance must be followed by the Borough Council. Where no extent-of-use regulations are set forth for the particular use, the Borough Council must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.

e) **General Standards:** A conditional use may be granted when the Borough Council finds from a preponderance of the evidence produced at the hearing that:

1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and

3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
5. That the specific standards set forth for each particular conditional use for which approval may be granted have been met.

The applicant for a conditional use shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Borough Council.

- g) **Special Standards:** In addition to the general standards for all conditional uses as contained in Subsection f) above, the specific standards for particular uses as listed in ARTICLE VIII must be met prior to the granting of an approval for a conditional use.

SECTION 702 PUBLIC HEARINGS

- a) **Notice; Conduct of Meeting:** Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, to each property owner within two hundred (200) feet of the property involved and to any person who, at least two (2) weeks prior to the scheduled hearing, has made request for the same. The Borough Secretary shall give written notices by personal delivery or by regular mail to said persons at their last known address at least fourteen (14) days, but not more than thirty (30) days, prior to the date of the hearing, stating the time and place of the hearing and the particular nature of the matter to be considered at the hearing. If mailed, the notice shall be deemed to be given on the date mailed. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

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

The hearings shall be conducted by the President of Borough Council, or in the Council President's absence, or in a case which evidences a conflict involving the President, the Council may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Borough Council.

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Borough Council 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 with any party or his representative unless all parties are given an opportunity to be present.

- b) Representation; Statements:** Parties to the hearings 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 Council. The Council shall have the 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.

Statements are to be made in the following order or as the Borough Council President may direct:

1. Applicant.
2. Borough officials.
3. Any private citizen.

The applicant must be given an opportunity for rebuttal.

- c) Witnesses:** The Borough Council President 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.
- d) Decision Procedure:** The Borough Council shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Where the Borough Council fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date the application is filed with the Borough, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of

the applicant because of the failure of the Borough Council to meet or render a decision as herein-above provided, the Council shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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 the Borough Zoning Officer, and all other persons who have filed their name and address with the Borough Council not later than the last day of the hearing, the Council 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.

Whenever the Borough Council imposes a condition or conditions with respect to the granting of an application, this condition must be stated in the order of the Council and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

- e) **Records:** The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Council. 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.

ARTICLE VIII

STANDARDS FOR CONDITIONAL USES

SECTION 801 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all conditional uses as contained in Section 701, specific standards for conditional uses are set forth in this Article. These standards must be met prior to the approval by the Borough Council of conditional uses in applicable zones.

SECTION 802 AIRPORT, AIRSTRIP

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) This use can be considered as an accessory use to an existing or proposed principal use provided all applicable provisions for its establishment are satisfied.
- b) The proposed facility shall be constructed, operated and maintained in accordance with the rules and regulations of the Federal Aviation Administration and the Pennsylvania Bureau of Aviation governing the use of airports.
- c) Certification that the site has been inspected and licensed by the Bureau of Aviation of the Pennsylvania Department of Transportation must be submitted to the Borough prior to use of the site.

SECTION 803 AUTOMOBILE WRECKING/JUNK YARD/SALVAGE YARD

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot Area: Five (5) acres minimum.
- b) Lot Width: Three hundred (300) feet minimum.
- c) Setbacks: All setbacks shall comply with those stated in the Borough Junk Yard Ordinance.
- d) The area to be used must be completely enclosed with a six (6) foot high fence so constructed as not to have any openings greater than six (6) inches in any dimension.

- e) Must comply with all applicable State regulations and the Borough Junk Yard Ordinance if one exists.
- f) No garbage or other organic waste shall be stored on the premises.
- g) The premises shall be maintained so as not to constitute a public nuisance or health hazard to the community or nearby residents or to create a place for the breeding of rodents or vermin.
- h) The manner of storage, arrangement of junk and the drainage facilities shall be designed so as to prevent the accumulation of stagnant water and to facilitate access for inspection purposes and fire fighting.
- i) Fluids such as antifreeze, oil, and gasoline from junked vehicles and equipment shall not be drained or allowed to spill onto the ground. Such fluids shall be disposed of in an appropriate manner, e.g., oil reclamation centers, etc..
- j) Tires and batteries must be disposed of properly and in accordance with applicable State and Federal regulations.
- k) A license must be secured as provided in the Borough Junk Yard Ordinance.

SECTION 804 BUILDING MATERIAL SALES

In the A Zone and subject to the requirements of that zone except as herein modified and provided.

- a) Access shall be via an arterial or collector street as designated by the Township's Thoroughfare Classification Plan.
- b) All outdoor storage and display areas shall be screened from adjoining properties.

SECTION 805 CAMPGROUND OR RECREATIONAL VEHICLE PARK

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Setbacks: All campsites shall be located at least fifty (50) feet from any property line or street line.
- b) The proposed campground must comply with the appropriate health, sanitary and safety regulations of the Borough and the Commonwealth of Pennsylvania.

- c) No more than twenty (20) campsites shall be permitted per acre. A parking space for one (1) automobile shall be provided at each site which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common area or lot.
- d) 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.
- e) All campgrounds and/or recreational vehicle parks shall furnish centralized sanitary and garbage collection facilities that shall be setback a minimum of one hundred (100) feet from any property line.
- f) An internal road system shall be provided. The pavement width for the access drive entrance shall be as required by Section 413 of this Ordinance from the street to the office or gate house where reservations are made. Beyond that point, the width for internal drives shall be a minimum of sixteen (16) feet. All internal drives must be improved to a mud-free, dust-free condition and shall be accessible to emergency vehicles.
- g) Any accessory retail or service commercial uses shall be setback at least one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve registered guests and their visitors. Any parking spaces provided for such uses shall have vehicular access from the campground's internal road rather than the public street. The parking requirements for such uses shall be those required for retail stores in Section 408 b) of this Ordinance.
- h) Time Limit on Stay: The maximum number of consecutive days stay in a campground shall be six (6) months.
- i) Public or community water facilities and public or community sewer facilities approved by the PA Department of Environmental Resources must be utilized.
- j) The use must comply with all applicable State and local laws and regulations.

SECTION 806 COMMUNICATION TRANSMITTING AND RECEIVING FACILITY

In the A Zone telephone or telegraph exchange, radio or television broadcasting towers, micro-relay stations and similar facilities are permitted subject to the requirements of that zone except as herein modified and provided:

- a) Climbing access to any broadcasting or receiving tower shall be secured from use by unauthorized persons.

- b) Buffers and screens shall be provided as necessary to adequately protect neighboring properties.
- c) Height requirements shall be as specified for buildings in the A Zone and for other structures as in Section 405 of this Ordinance.
- d) Any exterior lighting shall be directed away from all adjacent properties.

SECTION 807 CONVALESCENT HOME, NURSING HOME OR HOSPITAL

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Setbacks: A minimum of fifty (50) feet from all property and street lines.
- b) Access shall be via an arterial or collector street as designated in the Borough's Comprehensive Plan.
- c) 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.
- d) The facility must comply with all applicable building, width, safety and fire codes.
- e) Public or community sewer and water facilities approved by the PA Department of Environmental Resources shall be utilized.

SECTION 808 FARM IMPLEMENT SALES AND SERVICE

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) The lot must be improved with a building containing an office, display room and appurtenant facilities.
- b) All service and/or repair activities shall be conducted within a wholly-enclosed building.
- c) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the service repair operation shall be permitted.
- d) All exterior vehicle storage areas shall be screened from adjoining residential uses and/or an adjoining R-A Zone.

- e) The demolition or junking of implements and equipment is prohibited.
- f) No vehicles, implements, or equipment shall be stored if not awaiting repair or sale.

SECTION 809 HEAVY STORAGE, SALES AND/OR SERVICE (INCLUDES WHOLESALE ESTABLISHMENT)

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough's Comprehensive Plan.
- b) A buffer yard twenty-five (25) feet wide must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- c) Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties. No materials may be stored so as to create a public health hazard or a public nuisance.
- d) No toxic or hazardous materials may be stored on any property, except in compliance with applicable State regulations.

SECTION 810 HELIPORT

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) This use can be considered as an accessory use to an existing or proposed principal use provided all applicable provisions for its establishment are satisfied.
- b) The proposed heliport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, and the Pennsylvania Bureau of Aviation governing the use of heliports.
- c) Certification that the site has been inspected and licensed by the Bureau of Aviation of the Pennsylvania Department of Transportation must be submitted to the Borough prior to use of the site.

SECTION 811 INDUSTRIAL ACTIVITIES

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot Area: One (1) acre minimum.
- b) Lot Width: One hundred and seventy-five (175) feet minimum.
- c) All industrial activities shall be conducted within a completely enclosed building.
- d) All buildings shall be set back at least fifty (50) feet from any property line or street right-of-way line.
- e) All storage shall be either within a building or in an area to the side or rear of the principal building enclosed by a six (6) foot high fence and screened from adjoining properties.
- f) Access shall be via an arterial or collector street as identified in the Borough's Comprehensive Plan.
- g) Points of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads.
- h) Exterior lighting shall be directed away from all adjoining properties.
- i) Satisfactory evidence must be presented to show that disposal of toxic materials will be provided in a manner that will not create a public health hazard or nuisance.
- j) Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- k) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes.
- l) A buffer yard at least twenty-five (25) feet wide shall be provided adjacent to each property and street line. The buffer yard shall be naturally landscaped and shall not be used for buildings, parking, or loading.

SECTION 812 INDUSTRIAL PARK

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Permitted Uses: Uses such as those listed in the definition of Industrial Activities in Section 203 shall be permitted.
- b) Lot Area: Minimum lot area must be provided equal to that total required if individual lots were to be subdivided and sold to tenants.
- c) Lot Width: Three hundred (300) feet minimum. Individual parcels within the park shall have a lot width of at least one hundred fifty (150) feet.
- d) Access: Access shall be via an arterial or collector street as designated in the Borough's Comprehensive Plan.
- e) Buffers: When adjacent to a Residential-Agricultural Zone a buffer yard of not less than seventy-five (75) feet shall be maintained on each side adjoining the residential zone. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for buildings, parking or loading.
- f) Public or community water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be provided to all tenants.
- g) All buildings must be setback at least fifty (50) feet from any property line or street right-of-way line.
- h) All internal streets providing access to individual lots within the Park shall be constructed to Borough specifications.
- i) Industrial "lots" within the park, whether or not such lots are subdivided and separately deeded, shall provide minimum setbacks as required for uses in the A Zone.
- j) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial waste.

SECTION 813 MINI-STORAGE FACILITY

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is only on one (1) side of the aisle and at least thirty (30) feet wide where access to storage units is on both sides of the aisle.
- b) If a manager/business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.

- c) The servicing or repair of stored equipment shall not be conducted on the premises. Also no business activities, other than rental of storage units, shall be conducted on the premises.
- d) The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- e) If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- f) All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.
- g) 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.
- h) Parking and loading areas must be paved or covered with crushed stone so as to render such areas dust-free and passable in all weather conditions.

SECTION 814 MOBILEHOME PARK

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Public or community water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- b) Each mobilehome lot (not including street right-of-way) must be not less than eight thousand (8,000) square feet in area and shall have a lot width not less than eighty (80) feet.
- c) Setback Requirements - Each mobilehome lot within the mobilehome park shall adhere to the following minimum setback requirements:
 - 1. Front Setback - Twenty five (25) feet.
 - 2. Rear Setback - Twenty (20) feet.
 - 3. Side Setbacks - Ten (10) feet.
- d) In no case shall the distance between any two (2) mobilehomes be less than thirty (30) feet.
- e) The Borough Council may require suitable screen planting, or may further restrict the proximity of mobilehomes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobilehome park as the Council may deem necessary to protect the general welfare.

- f) A mobilehome park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

SECTION 815 MOBILEHOME SALES LOT

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) The lot shall be improved with a building containing any office, display room and appurtenant facilities.
- b) Access shall be via an arterial or collector street as designated in the Borough's Comprehensive Plan.

**SECTION 816 OUTDOOR COMMERCIAL RECREATIONAL
ESTABLISHMENT**

In the A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks: The area to be used for recreational purposes must be set back at least 50 feet from any property or street line.
- b) The use must have access on an arterial street or collector street as designated in the Borough's Comprehensive Plan.
- c) For an outdoor recreational use, other than a golf course, 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.
- d) Exterior lighting shall be directed away from all adjoining properties.
- e) To the extent possible, existing trees and natural vegetation shall be preserved.

**SECTION 817 OUTDOOR TRAP, SKEET, RIFLE, PISTOL OR ARCHERY
RANGE**

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street right-of-way line. A use involving fire arms must also be located at least one thousand (1000) feet from any existing residential use.

- b) Except for Trap and Skeet Ranges, an earthen background berm must be provided within twenty (20) feet of the target farthest from the firing line to prevent wild or ricocheting bullets or wild or stray arrows. Such berm shall have a slope of not less than one (1) - vertical to two (2) - horizontal and must extend at least eight (8) feet above the ground level at the highest target. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.
- c) Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm. The side berms shall meet the same design qualifications as set forth for background berms in b) above.
- d) An alternative barrier, whether natural or man-made, which duplicates the effect of the berm may be substituted if approved by the Borough Council.
- e) For ranges involving fire arms, only targets mounted on target posts shall be permitted. For such uses no targets of any kind shall be set directly on the ground.
- f) No target shall extend above six (6) feet in height or be located so that the trajectory from the firing line to the target would cause a projectile to exceed the height of the berm required in Subsection 818 b) above.
- g) Warning signs must be posted at least ten (10) feet from the outside of the berms.
- h) The firing range shall be free of gravel and other hard surface materials and be adequately drained.
- i) Adult supervision must be provided for children under sixteen (16) years of age.
- j) Trap and skeet ranges shall be exempt from subsections b), c), d), e), and f) above.

SECTION 818 SAWMILL OPERATION

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) No saw or other machinery shall be less than fifty (50) feet from any property or street line.
- b) All power saws and machinery will be secured against tampering and locked when not in use.
- c) All machinery used in the sawmill operation shall be located at least five hundred (500) feet from a residential use or the Residential-Agricultural Zone.

- d) 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.

SECTION 819 SHOPPING CENTER, SHOPPING MALL OR SHOPPING PLAZA

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access must be via an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b) A buffer yard at least fifty (50) feet wide must be provided on the site in all instances where the site adjoins the Residential-Agricultural Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

SECTION 820 SOLID WASTE DISPOSAL AND/OR PROCESSING FACILITY

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Any processing of solid waste including, but not limited to, incineration, shredding, compaction, material separation, recycling, refuse derived fuel and pyrolysis shall be conducted within a wholly-enclosed building.
- b) No refuse shall be deposited or stored and no building or structure shall be located within two hundred (200) feet of any property line or within five hundred (500) feet of any land within a Residential-Agricultural Zone.
- c) A buffer yard, at least fifty (50) feet wide, shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this area. The buffer shall be naturally landscaped and have no impervious cover.
- d) Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from ground-level view at the property line. (The use of an earthen berm is encouraged where practicable). In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- e) All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.

- f) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences and gates or other positive means designed to deny access to the area at unauthorized times or locations.
- g) Hazardous waste as described by the Department of Environmental Resources shall not be disposed of on the parcel occupied by the proposed use.
- h) The unloading, processing, transfer and deposition of solid waste shall be continuously supervised by a qualified facility operator.
- i) Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water.
- j) All storage of solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
- k) A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Borough.
- l) The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quantity of water required. If the source is from a municipal system the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study must be provided to enable the Borough to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Borough engineer.

A water system which does not provide an adequate supply of water for the proposed use, considering both quantity and quality, or does not provide for adequate groundwater shall not be approved by the Borough.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one (1) mile from the site;
- the location of all existing on-lot sewage disposal systems within one thousand (1000) feet of the site;

- the location of all streams within one thousand (1000) feet of the site and all known point sources of pollution;
 - based on the geologic formation(s) underlying the site the long term yield shall be determined;
 - a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and groundwater table; and
 - a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- m) The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
- n) No use and occupancy permit shall be issued for a solid waste disposal facility until the operator shall have submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Resources and has been permitted in writing by said agency.

SECTION 821 TRUCK OR MOTOR FREIGHT TERMINAL

In the A Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, or smoke.
- c) A buffer yard at least one hundred (100) feet wide must be located on the terminal site in all situations. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for parking, building, loading, or storage purposes.
- d) In addition to the regulations contained herein, the storage of materials shall conform to all applicable state and Federal regulations.

ARTICLE IX

ADMINISTRATION AND ENACTMENT

SECTION 901 PERMITS

a) **Building Permits:** Where required by the Cross Roads Borough Building Permit Ordinance for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Zoning Officer. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire. However the permit may be extended annually for an aggregate period of not more than three (3) years, provided the construction or change pursuant to such permit has commenced within the initial six (6) month period. 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. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance:

1. Lot: The location and dimensions of the lot.
2. Streets: Names and widths of abutting streets and highways.
3. Structures & Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (100) feet of the proposed structure, but off the lot.
4. Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.

All site plans must be at scale of one (1) inch equals forty (40) feet. The north point must be shown on all site plans.

b) **Use Certificates:** A use certificate, certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established;

1. Use of a building or structure erected, structurally altered or extended, or moved after the effective date of this Ordinance.
2. Use of vacant land except for agricultural purposes.
3. Any change in a conforming use of a building or structure or land.

4. Any change from a nonconforming use of a structure or land to a conforming use.
5. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The applications for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

SECTION 902 ENFORCEMENT - ZONING OFFICER

- a) **Appointment and Powers:** For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this 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 this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may identify and register nonconforming uses and non-conforming structures together with the reasons why they were identified as nonconformities. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.
- b) **Forms:** The Zoning Officer must provide a form or forms prepared or approved by the Borough Solicitor for --
 1. Building permits.
 2. Special exceptions.
 3. Conditional uses.
 4. Use certificates.
 5. Appeals.
 6. Variances.
 7. Registration of nonconforming uses and nonconforming buildings or structures.
- c) **Transmittal of Papers:** Upon receipt of an application for a special exception, conditional use, variance or a notice of appeal, the Zoning Officer must transmit to the Borough Council Secretary, the Secretary of the Zoning Hearing Board and to the Secretary of the Borough Planning Commission, copies of all papers constituting the record upon the special exception, conditional use, variance, or appeal.

- d) Action on Building Permits:** Within fifteen (15) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.
- e) Action on Use Certificates:** Within fifteen (15) days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.
- f) Revoking Permits/Approvals:** The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of the ordinance and such permit may be revoked.
- g) Enforcement:** Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer may initiate civil enforcement proceedings. To initiate a civil enforcement proceeding the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Borough intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instances the applicable provisions of the Ordinance.
 4. The date before which the steps for compliance must be commenced (within fifteen (15) days of issuance of notice) and the date before which the steps must be completed (within forty-five (45) days of issuance of notice).
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of issuance of said notice in accordance with procedures set forth in Article V.
 6. That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation in accordance with Section 909 of this Ordinance.

h) Records: The Zoning Officer must keep record of --

1. All applications for building permits, use certificates, special exceptions, conditional uses, variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board, or in the case of conditional uses the Borough Council.
2. All complaints of violations of provisions of this Ordinance and the action taken on them.
3. All plans submitted.
4. Nonconforming uses and nonconforming structures.

All such records and plans shall be available for public inspection.

i) Reports: At intervals of not greater than six (6) months, the Zoning Officer must report to the Borough Council --

1. The number of building permits and use certificates issued.
2. The number of complaints of violations received and the action taken on these complaints.

SECTION 903 AMENDMENTS

- a) The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
- b) **Public Hearing(s):** Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. 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.
- c) **County Planning Commission Review:** At least thirty (30) days prior to the hearing on any amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.

- d) **Amendments Involving Zoning Map Changes:** If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- e) **Enactment of Amendments:** Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one (1) newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then --
1. A copy thereof shall be supplied to the newspaper in general circulation in the Borough at the time the public notice is published, and
 2. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the Ordinance.

In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough shall, at least ten (10) days prior to enactment, readvertise in one (1) newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

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

- f) **Landowner Curative Amendments:** A landowner who desires to challenge on substantive grounds the validity of an ordinance or 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 with a written request that his challenge and proposed amendment be heard and decided as provided for, and in accordance with the procedures set forth in, Section 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

g) Municipal Curative Amendments: If the Borough determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Borough shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for, and in accordance with the procedures set forth in, Section 609.2 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

SECTION 904 FEES

The Borough Council shall by resolution establish fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available from the Zoning Officer or Borough Secretary for inspection.

SECTION 905 APPEALS

Any person aggrieved or affected by a provision of this Ordinance or decision of the Zoning Officer, Borough Engineer, Zoning Hearing Board or Borough Council may appeal in the manner set forth in Articles IX or X-A of the Pennsylvania Municipalities Planning Code, Act 247, as re-enacted and amended.

SECTION 906 REPEALER

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 907 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

SECTION 908 VIOLATIONS

- a) 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 this Ordinance, the Borough Council or, with 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, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure 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.
- b) If it appears to Cross Roads Borough Officials that a violation of a provision of this ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice.
 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 provision of this 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.
 - f. 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.

SECTION 909 PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of a provision of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than five hundred dollars (\$500) plus all court costs, including reasonable judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

SECTION 910 VALIDITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

SECTION 911 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication according to law. This Ordinance shall revoke and repeal the prior Zoning Ordinance of Cross Roads Borough adopted December 14, 1976 and all amendments thereto effective upon enactment of the Ordinance.

Adopted by the Borough Council of Cross Roads Borough, York County Pennsylvania into an ordinance the 13th day of April, 1995.

Attest:

Borough Council
Cross Roads Borough
York County, Pennsylvania

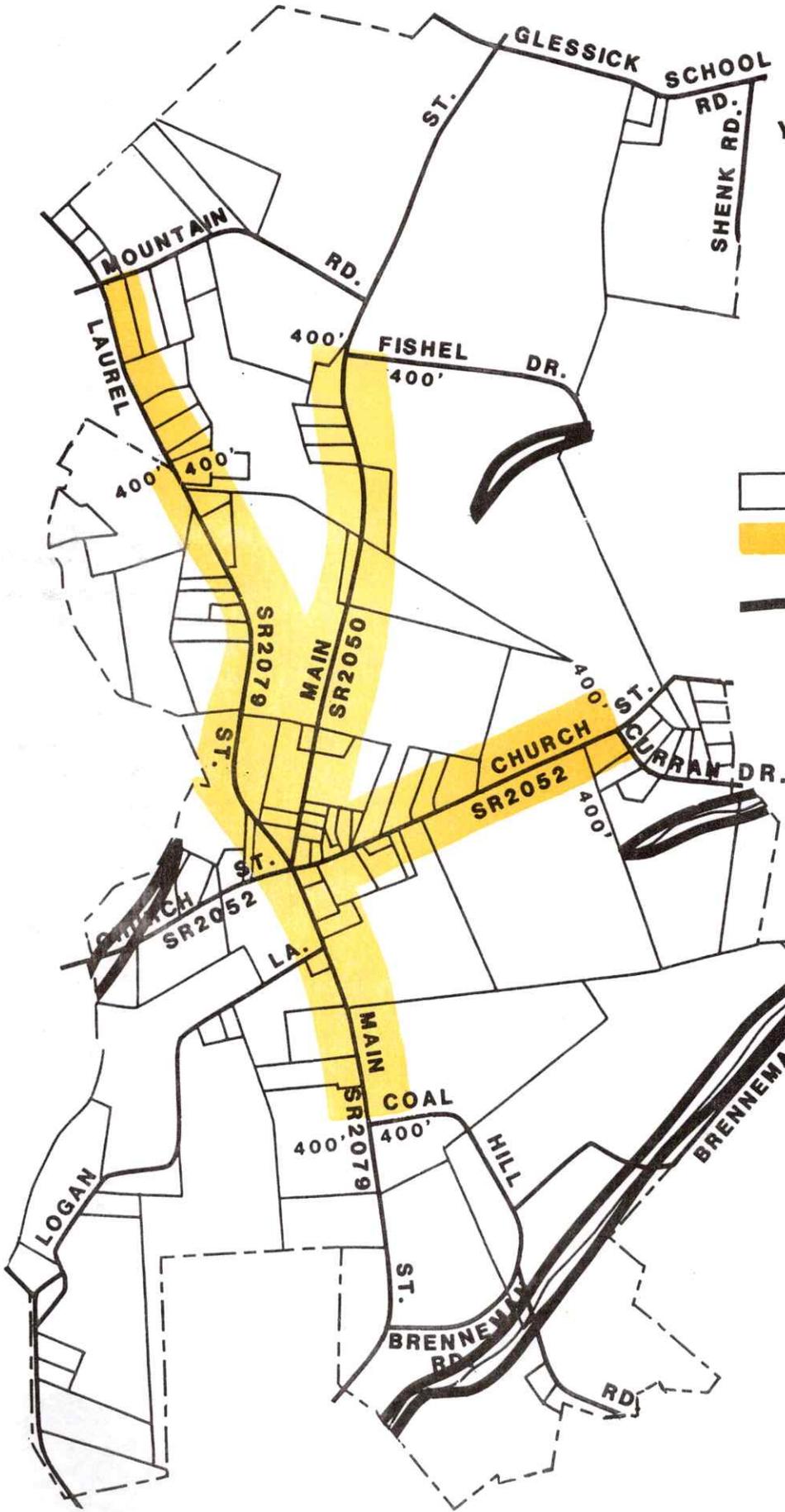
/s/Martha J. Miller
Secretary

By: /s/ Gary Seitz
President

By: /s/ Howard F. Tollinger
Mayor

CROSS ROADS BOROUGH

YORK COUNTY, PENNSYLVANIA



ZONING MAP

-  A Agricultural
-  R-A Residential-Agricultural
-  Floodplain Boundary

