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# **ARTICLE I - TITLE, PURPOSE, INTERPRETATION, AND APPLICATION**

## **Section 100. TITLE**

This Ordinance shall be known as Borough of St. Lawrence Zoning Ordinance

## **Section 101. PURPOSE**

This Ordinance is enacted to promote the public health and safety and the general welfare of the residents and occupants of the Borough of St. Lawrence (the Borough) by securing safety from fire, panic, flood and other dangers and accomplishing the following Community Development Objectives:

- ❖ Prevent the overcrowding of land.
- ❖ Avoid undue traffic and population congestion.
- ❖ Provide for adequate areas for vehicular parking and loading.
- ❖ Provide for adequate light and air.
- ❖ Conserve the value of land and buildings.
- ❖ Provide for adequate transportation, water, sewerage, school and other public facilities.
- ❖ Encourage the harmonious and orderly development of land.
- ❖ Maintain the character of existing residential neighborhoods and protect residential areas against hazards created from uses more appropriately conducted in commercial and industrial districts.
- ❖ Provide land in appropriate locations for residential development to meet the housing needs of the community.
- ❖ Provide for a variety of residential uses, including single-family, two family, and multiple family dwellings.
- ❖ Provide concentrated areas of commercial development serving the daily needs of Borough residents.
- ❖ Preserve the quality of existing commercial areas.
- ❖ Allow for light industrial activities in areas considered appropriate by the Borough.
- ❖ Encourage each land use to locate in those areas the Borough has determined are most appropriate for each land use.
- ❖ Encourage the quality of future development in the Borough by providing adequate use, area, yard, and height regulations, performance standards, and general regulations in the Borough Zoning Ordinance.
- ❖ Discourage development within the floodplains within the Borough and permit only limited development of the areas of steeper slopes in the Borough.

## **Section 102. INTERPRETATION**

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Borough. Where the provisions of this Ordinance impose greater restrictions than those of any other Borough statute, ordinance or regulation, the provisions of this Ordinance shall take precedence. Where provisions of any other Borough statute, ordinance or regulations impose greater restrictions than this Ordinance, the provisions of such other Borough statute, ordinance, or regulations shall be complied with unless otherwise stated in this Ordinance.

## ARTICLE II - DEFINITIONS

### Section 200. 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 201. GENERAL

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

### Section 202. SPECIFIC TERMS

**Access Drive** – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

**Accessory Use or Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Adult Day Care Center** – a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty four (24) hour day.

**Adult Book Store** - See Section 624.1

**Adult Motion Picture Theater** - See Section 624.1

**Alley** - A minor right-of-way, privately or publicly owned, primarily for vehicular access to the rear of properties.

**Alteration, Structural** – Any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure such as the bearing walls, supporting partitions, columns, beams, or girders; any change in the means of egress from or access to a building or structure.

**Amendment** – A change that includes revisions to the zoning text and/or the official zoning map.

**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.

**Approved Private Street** – A right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Borough, but approved by the Borough Council and shown on a recorded subdivision plan.

**Basement** – A story partly below the finished grade but having one-half or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade



where such grade abuts the exterior walls of the building.

**Boarder, Roomer, or Lodger** – A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified for purposes of this ordinance not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel or hotel).

**Borough** – Borough of St. Lawrence, Berks County, Pennsylvania.

**Borough Council** – Borough Council of the Borough St. Lawrence, Berks County, Pennsylvania.

**Borough Planning Commission**– Planning Commission of the Borough of St Lawrence, Berks County, Pennsylvania.

**Buffer Strip** – A continuous strip of landscaped land which is clear of all building and paved areas.

**Building** – A structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, vehicles, animals or belongings.

**Building Area** – The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

**Building Coverage** – The percentage of a lot covered by principal and accessory buildings.

**Building Height** – The vertical distance from the level of the ground adjacent to a building to a point midway between the highest and lowest points of the roof.

**Building Length** – The longest horizontal measurement of a building.

**Building Setback** – The minimum distance a building or structure must be set back from a street right-of-way line (except the right-of-way of a service street).

**Building Setback Line** – The line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line.

**Cabaret** - See Section 624.1

**Car Wash** – A building designed and used primarily for the washing and polishing of automobiles and that may provide accessory services related to washing and polishing.

**Cartway** – The portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

**Cellar** – A story partly below the finished grade, having more than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

**Certificate of Use and/or Occupancy** – The certificate issued by the Zoning Officer that permits the use of a building in accordance with the approved plans and specifications and that 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.

**Child Day Care Center** – a facility licensed by the Commonwealth of Pennsylvania, providing care for children who do not reside in the facility.

**Church** – A building or portion of a building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship.

**Clinic, Medical or Dental** – a place, building or portion of a building used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage therapists, or other drugless practitioners involving non-surgical treatment, care, examination and diagnosis, and preventative health services, including inoculation and educational services to outpatients. This definition does not include veterinarian offices.

**Club or Lodge** – An association of persons for some common non-profit activity (not including groups organized primarily to render a service which is customarily carried on as a business) in which no person employed by the Association spends more than one-fourth of his time in the sale of prepared foods.

**Commercial School** – A school for the teaching of a trade or skill, carried on as a business.

**Common Open Space** – A parcel or parcels of land or an area of water (excluding storm water detention facilities), or a combination of land and water within a development site, designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and required open areas between buildings and street rights-of-way, driveways, parking areas and property lines of the parcel.

**Common Parking Area** – A parking facility other than those serving one (1) single-family detached dwelling, one single family semi-detached dwelling or one (1) townhouse.

**Communications Antenna** – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, existing or hereinafter developed, including without limitation omni-directional or whip antennas and directional or panel antennas that is owned, leased, licensed or operated by any person or entity. This definition shall not include satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas mounted on private residences.

**Communications Equipment Building** – An unmanned building or cabinet, whether existing or proposed, containing communications equipment required for operating communications antennas and covering an area on or under the ground not greater than two hundred fifty (250) square feet.

**Communications Tower** – A structure other than a building, including, without limitation, monopole, self-supporting, or guyed towers, designed and used to support one (1) or more communications antennas.

**Comprehensive Plan** – Maps, charts, descriptive matter officially adopted by the governing body showing among other things objectives appearing to be for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares; parkways and streets; for parks and recreation areas; for the general location and extent of facilities for water, sewer, light, and power; for the general location, character, and extent of community facilities. This Ordinance has been prepared in relation to the Amity, Exeter, St. Lawrence Joint Comprehensive Plan.

**Conditional Use** – A use permitted in a particular zoning district pursuant to the provisions of Section 811.

**Condominium** – Real estate, portions of which in accordance with the provisions of the Pennsylvania

Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Construction Site** – The total land required for all buildings and/or uses within a unified development.

**Corner Lot** – A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than one hundred thirty-five degrees (135°)).

**Distance Between Buildings** – This measurement shall be made at the closest point.

**Driveway** – An improved surface for vehicular travel that provides access between a street and a lot.

**Dwelling** – A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

**Apartment Building** – A building on a single lot arranged, intended, or designed to contain three or more apartment units, and in which the apartment units may be separated horizontally and/or vertically.

**Apartment Unit** – A dwelling unit within an apartment building or building converted to apartment use in accordance with this Ordinance.

**Single Family Detached Dwelling** – A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building. It does not include an individual mobile home.

**Single Family Semi-Detached Dwelling** – A building arranged, intended or designed to be occupied exclusively as a residence for one family, which is one of two such buildings placed side by side and separated by an un-pierced party wall.

**Townhouse** – A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by un-pierced party walls, each dwelling having not less than two (2) independent exterior to interior accessways.

**Dwelling Unit** – A building or structure or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

**Easement** – A limited right of use granted on private land for public 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** –

1. One (1) or more persons, related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
2. Not more than three (3) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

**Felling** – the act of cutting a standing tree so that it falls to the ground.

**Fence** – A barrier constructed of wood, metal, chain link, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.

**Financial Institution** – Bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation.

**Floor Area** – (Gross Floor Area) The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages and carports, and accessory buildings. Cellar area is excluded.

**Floor Area Ratio** – The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

**Forestry** – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, that does not involve any land development.

**Grade** – The level of the ground adjacent to a building, structure, exposed storage, or sign.

**Group Home** – A household of two (2) or three (3) members, not necessarily related by blood, marriage, adoption, or legal guardianship, who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit, or prevent their ability to function as useful or productive members of society, are provided supportive services through a nonprofit social service agency.

**Height of Building** – A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof.

**Height of a Communications Tower** – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. In the case of a tower mounted on a slope, height shall be measured from the lowest point where the tower contacts the slope to the highest point on the tower

**Highway Access Point** – A place of egress from or access to a street or highway created by a driveway or another street or highway.

**Highway Frontage** – The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

**Home Occupation** – An occupation customarily conducted within a dwelling unit, clearly incidental and secondary to the use of the dwelling for residential purposes, such as but not limited to the studio of an artist; the professional office of a physician, dentist, lawyer, engineer, architect, writer, or accountant; teaching of not more than six (6) pupils simultaneously, or in the case of musical instruction, not more than two (2) pupils at a time; a beauty shop or barber shop.

Among the uses that shall not be interpreted as a home occupation are an animal hospital, commercial stables and kennels, funeral parlor, tourist home, restaurant, wholesaling, retailing, storage or mail order activities in which goods are distributed on the residential property, the dispensing of food or drink, the repair, servicing, storage or rental of motor vehicles, clinics and hospitals, and machine and welding shops.

**Hotel** – A building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings

where human beings are housed under legal constraint.

**Impervious Surface** – 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.

**Improved Surface** – Concrete, asphalt or rock with a containment border

**Improvement** – Any type of structure or paved section, excluding driveway, sidewalk, or curb.

**Land Development** – Any of the following activities:

The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving the following:

1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.
3. A subdivision of land.

The following activities are excluded from the definition of land development only when such land development involves the following:

The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

The addition of an accessory residential or farm building on a lot or lots subordinate to an existing principal building; or

The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this sub-clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**Living Unit for the Elderly** – A dwelling unit in which at least one resident shall be at least sixty (60) years of age.

**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. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

**Lot Line** – A line forming the front, rear or side boundary of a lot.

**Front Lot Line** – The line separating a lot from a street right-of-way. The front lot line is also the street line.

**Rear Lot Line** – The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet (10')

long.

**Lot of Record** – A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

**Lot Size** – The area of a lot, excluding land contained within street right-of-way lines.

**Lot Width** – The distance between side lot lines, determined by establishing the shortest straight line distance. It shall not be measured along an arc.

**Massage** - See Section 624.1

**Massage Parlor** - See Section 624.1

**Mature Tree** – Any deciduous tree with a DBH greater than or equal to six inches (6") and any coniferous tree with a height greater than or equal to six feet (6').

**Medical Laboratory** – A facility providing medical analysis services including the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

**Mixed Use Building** – A two (2) or three (3)-story building that houses nonresidential uses including retail shops and offices on the ground floor. Uses within the upper floors include multi-family units and/or professional offices.

**Mobile Home** – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. The construction of a mobile home shall comply with any applicable Federal, State, or Borough standards and shall bear any required seal indicating compliance with those standards.

**Mobile Home Lot** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobile Home Park** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**Motel** – A group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

**Motor Vehicle Service Station** – A building designed or used for supply to the public of motor fuel, oil and/or accessories to motor vehicles, at retail.

**Municipal Use** – Buildings, structures, or land owned and maintained by the Borough.

**Natural Extraction Industries** – The surface excavation, for the purposes of removal and sale of topsoil, sand, gravel, clay, shale, limestone, or other natural substances. The term Natural Extraction Industries shall not include underground mining.

**No Impact Home Based Business** – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

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

**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 not designed to comply with the applicable use or dimensional 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, that 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.

**Nursing Home** – Establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

**Open Area** – Ground upon which no principal or accessory buildings, structures or uses and paved areas are permitted.

**Outdoor Maintenance Service Provider** - A business or commercial entity providing lawn care, lawn maintenance, landscaping, pool maintenance, driveway construction and repair, and other similar businesses

**Parking Space** – A reasonably level space, available for the parking of one (1) motor vehicle, not less than ten feet (10') wide and having an area of not less than two hundred (200) square feet exclusive of passageways, or other means of circulation or access.

**Parking Space, All Weather** – A paved parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

**Party Wall** – A wall used or adopted for joint service between two buildings or parts thereof.

**Paved Area** – The percentage of a lot covered by paving.

**Paving** – Hard material such as concrete, asphalt, brick, or stone applied to a lot in order to smooth or firm the surface of the lot.

**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 a similar nature providing personalized service to customers.

**Premises** – A descriptive word to include all improvements, buildings, structures and land on or within a lot.

**Principal Building** – A building in which a principal use on a lot is conducted.

**Principal Use** – The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

**Private Road** – a road, street or alley on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency. A private road, street or alley has not been given to a government entity and accepted by that entity by ordinance for public use. The private road, street or alley may be used by the public.

**Professional** – Doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional persons offering similar medical care; optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, or computer programmer.

**Public Hearing** – A formal meeting held pursuant to Public Notice by the Borough Council or Planning Commission, intended to inform and obtain public comments, prior to taking action in accordance with this Ordinance.

**Public Meeting** – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

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

**Public Road** – A public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Borough and accepted by it.

**Repair 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.

**Residential Conversion** – The alteration of a single family detached dwelling or nonresidential dwelling into two more dwelling units.

**Restaurant** –

1. **Standard Restaurant** – Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-thru service and whose design or principal method of operation includes one or both of the following characteristics:
  - a. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
  - b. A cafeteria-type operation where foods, frozen desserts, or beverages are consumed within the restaurant building.
2. **Carry-Out Restaurant** – Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-thru service, and whose design or method of operation includes both of the following characteristics:
  - a. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposal containers.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.
3. **Fast-Food Restaurant** – Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, not containing drive-thru service, and whose design or principal method of operation includes both of the following characteristics:
  - a. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
4. **Drive-In Restaurant** – Any establishment whose business includes the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics, regardless of whether or not, in addition thereto, seats or other indoor accommodations are provided for the patrons.
  - a. Foods, frozen desserts, or beverages are served directly to the customer through an exterior window in the establishment, or by other means which eliminate the need for the customer to enter the establishment.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

**Retail Bakery** – A retail sales store for baked goods, including those with onsite baking facilities.

**Retaining Wall** – A wall for holding in place a mass of earth, typically at the edge of an excavation.

**Right-of-Way** – The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semi-public uses.

**Sanitary Sewage System, Public** – A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

**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.

**Screen** – Vegetative material, fence, etc. planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties.

**Service Street (Alley)** – A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties, which is not the primary means of access to the properties.

**Single and Separate Ownership** – The ownership of a lot by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

**Sight Triangle** – An area within which no vision obstructing object is permitted beyond two and one-half feet (2-1/2') of the centerline grades of intersecting streets, as provided for in Section 615 of this Ordinance.

**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 whose major purpose is for directing attention to a business commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the same lot, such as billboards.

**Animated Sign** – A sign with action or motion, flashing, starbursts, simulated explosions, or similar displays, color changes requiring electrical energy, but not including wind-actuated elements such as flags, banners, or specialty items.

**Banner** – A temporary sign consisting of lightweight, flexible material, which is supported by frame, rope, wires or other anchoring devices, and may or may not include copy, a logo, or graphic symbols.

**Beacon** – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

**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 that 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 a commercial nature and containing no advertising matter other than an identifying name or symbol.

**Freestanding Sign** – A sign supported by uprights or braces placed upon or in the ground and not attached to a building.

**Parallel Sign** – A sign attached, painted, or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

**Permanent Sign** – A sign permanently attached or applied to a building or structure, or permanently anchored into the ground and that cannot easily be moved. Permanent signs may have either permanent or replaceable lettering.

**Portable Sign** – A temporary sign, with or without changeable lettering, illuminated or unilluminated, mounted or transported on a vehicle, trailer or similar structure; with or without wheels; and not permanently attached to the ground. Such signs are often referred to as mobile signs.

**Projecting Sign** – A sign that is attached to a building or other structure and extends beyond the line of a building or structure, or beyond the surface of that portion of the building or structure to which it is attached.

**Roof Sign** – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and/or extending vertically above the highest portion of the roof.

**Temporary Sign** – A sign that is anchored to the ground or attached to a building or structure with weights, cables, pins, braces, or stakes, and that can easily be moved. Temporary signs are displayed for a limited period of time and with the permission of the owner of the property that the sign will reside.

**Vehicular Sign** – Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business or another business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

In instances where a sign may serve two (2) or more purposes, for example, directional and advertising, the most restrictive regulations shall apply.

**Skidding** – dragging trees on the ground from the stump to the landing by any means.

**Slash** – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

**Special Exception** – Permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Ordinance.

**Specialty Food Store** – A retail sales store for foods, beverages, and similar products, including gourmet foods, prepared foods, and food ingredients, but not a supermarket.

**Story** – The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Street** – A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

**Street Frontage** – The lot dimension measured along the street line or right-of-way line of any one (1) street or highway abutting a lot.

**Street Line** – The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one (1) or more lots held in single and separate ownership have a right-of-way.

**Structure** – Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Unless noted otherwise, the following structures are excluded from the definition of structure for the regulatory purposes of this Ordinance: patios, alleys, access drives, driveways, walkways, parking areas, and other similar at-grade structures.

**Accessory Structure** – A subordinate structure on a lot, the use of which is customarily incidental to that of the principal structure.

**Principal Structure** – A structure that is directly involved in the principal use of the lot on which said structure is located.

**Structure Height** – The measurement from the ground level to the highest point in the structure or any support.

**Studio** – The working place of a painter, sculptor, or such other similar artistic endeavor; a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.

**Subdivision** – The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership, or building or lot development; provided, however, that the division of land for agricultural purposes of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted.

**Major Subdivision** – A subdivision involving six (6) or more lots or a land subdivision involving five (5) lots or less and requiring new streets or other public improvements.

**Minor Subdivision** – A subdivision involving five (5) lots or less and involving no new streets or other public improvements, except curbs and street widening required along an existing street.

**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 feet (1-1/2') feet. Ponds, lakes, livestock watering tanks, decorative fountains and fishponds, and detention basins are not included, provided that swimming was not the primary purpose for their construction.

**Unit of Use** – A single use.

**Use** – The specific purpose for which land, a sign, or a structure or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**Accessory Use** – A use customarily incidental and subordinate to the principal use or building and located on the same lot with the principal use or building.

**Principal Use** – The main or primary use of property, buildings or structures. Unless

specifically noted otherwise, only one (1) use permitted by right, or by special exception, shall be permitted as a principal use on an individual lot. For example, one (1) single-family dwelling, one (1) commercial establishment, or one (1) industrial firm shall be permitted on an individual lot. Complexes listed as permitted uses, such as a shopping center, shall be limited to one (1) such complex per lot.

**Uniform Construction Code (UCC)** – Pennsylvania’s building code standard established by 34 PA Code, which refers to the latest Pennsylvania adopted versions of the family of codes developed by the International Code Council

**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. However, for the purpose of establishing setbacks, any utility shed larger than one hundred fifty (150) square feet shall comply with principal structure setback requirements.

**Variance** – Relief, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance provided those conditions contained hereafter relating to establishing the entitlement to variances are found to exist by the Zoning Hearing Board.

**Water Distribution System, Public** – A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

**Wall (Free Standing)** – A barrier constructed of stone, brick, concrete, masonry, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.

**Wooded Area** – A lot or portion thereof containing a grove of ten (10) or more mature trees.

**Yard** – The open space on the same lot with a building or structure. The space shall be open and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and not less in depth or width than the minimum required in each zoning district.

**Yard, Front** – An open space between an adjacent street right-of-way and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

**Yard, Rear** – An open space between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

**Yard, Side** – An open space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way line of the service street.

**Zoning Hearing Board** – Borough of St. Lawrence Zoning Hearing Board.

**Zoning Officer** – Borough of St. Lawrence Zoning Officer.

**Zoning Ordinance** – Borough of St. Lawrence Zoning Ordinance.

## **ARTICLE III - ZONING DISTRICTS**

### **Section 300. TYPES OF ZONING DISTRICTS**

In order to carry out the objectives of this Zoning Ordinance, the Borough of St. Lawrence has been divided into the following Zoning Districts:

<b>R-3</b>	<b>Suburban Residential District</b>
<b>R-4</b>	<b>Suburban Residential District</b>
<b>R-5</b>	<b>Suburban Residential District</b>
<b>R-6</b>	<b>Urban Residential District</b>
<b>R-8</b>	<b>Urban Residential District</b>
<b>R-10</b>	<b>Urban Residential District</b>
<b>C-5</b>	<b>Highway Commercial District</b>
<b>C-8</b>	<b>Shopping Center Commercial District</b>
<b>C-10</b>	<b>Mixed Commercial District</b>
<b>I-1</b>	<b>General Industrial District</b>
<b>I-2</b>	<b>Light Industrial District</b>
<b>BC</b>	<b>Borough Center</b>
<b>RC</b>	<b>Rural Conservation</b>
<b>PI</b>	<b>Public/Institutional</b>

### **Section 301. OFFICIAL ZONING MAP**

1. The boundaries of the Zoning Districts shall be as shown on the Zoning Map of the Borough. The Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.
2. The Official copy of the Zoning Map shall be so labeled and identified by the signature of the President of the Borough Council, attested by the Secretary of the Borough, and bear the seal of the Borough under the following words:
3. "This is to certify that this is the Official Zoning Map of the Borough of St. Lawrence adopted June 14, 2012."
4. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the President of Borough Council and the Borough Secretary.
5. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Borough Council may by resolution adopt a new official Zoning Map which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested by the Secretary of the Borough, and bear the seal of the Borough under the following words:

"This is to certify that this is the Official Zoning Map of the Borough of St. Lawrence adopted June 14, 2012."

### **Section 302. DISTRICT BOUNDARIES – RULES FOR INTERPRETATION**

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

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets or alleys, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the right-of-way lines of streets or alleys, such district boundaries shall be construed as being parallel to the right-of-way lines at such distance as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or alleys, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
5. Boundaries indicated as extensions of features indicated in Sections 1 through 5 above shall be so construed.
6. Where physical or contour features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 1 through 6 above, the Zoning Officer shall interpret the district boundaries.
7. Where setback, screening, or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in the Borough.
8. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, when permitted as a Special Exception by the Zoning Hearing Board, the regulations of either zoning district may be extended a distance of not more than fifty feet (50') beyond the district boundary line into the remaining portion of the lot.

### **Section 303. APPLICATION OF DISTRICT REGULATIONS**

1. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed or structurally altered without the issuance of a Permit by the Zoning Officer.
2. If the Zoning Officer determines, through review of the Zoning Permit application, that potential zoning conflicts exist, and that the use or dimensions may not be in compliance with the requirements of the Zoning Ordinance, the Zoning Officer shall not issue a Zoning Permit and shall contact the applicant/property owner. If the applicant wishes to continue with their current plan, the applicant has the option to:
  - a. Appeal the decision of the Zoning Officer to the Zoning Hearing Board (See Section 903)
  - b. Determine what conflicts exist and apply to the Zoning Hearing Board for a variance (See Section 903)
  - c. Request a comprehensive zoning review from the Municipality to assist the applicant in determining the scope of the conflict
    1. Requires entering into a Memorandum of Understanding Agreement to reimburse the municipality for the review
    2. If applicant is not the property owner, a draw down account will be required for the review to proceed. If at any time the draw down account balance reaches a point that will not cover the cost of additional review time, an additional deposit will be required prior to the review continuing.

3. Compliance with this Ordinance in no way relieves responsibility of complying with other Borough Ordinances.
4. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Borough Ordinance or regulations.
5. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.
6. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance. The applicant is responsible to ensure accuracy of all lot lines.
7. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two (2) or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one (1) street, but does not have to be provided along the building setback line established from each street on which the lot fronts, unless otherwise required by this Ordinance.
8. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirements of the applicable zoning district shall be used in establishing such building setback line.
9. Buildings and/or lots may be owned in condominium ownership. Such buildings and/or lots shall comply with all applicable zoning requirements; furthermore, each unit of occupancy shall comply with the requirements of the Uniform Construction Code (UCC) as a separate unit of occupancy.
10. Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. In the case of a building in condominium ownership situated on a parcel of land, the building coverage and paved area regulations of the applicable zoning district shall apply to the entire building as it is situated on the entire parcel, and shall not be applied to each unit of occupancy within the building.
11. When minimum requirements are established for lot size and/or common open space, such minimum requirements shall be met within St. Lawrence Borough.
12. When calculating the permissible number of dwelling units within a subdivision or land development in St. Lawrence Borough, only land located within St. Lawrence shall be used.
13. The minimum lot width at the building setback line established in the Area, Height and Yard Regulations of the Zoning Districts listed in this Zoning Ordinance shall be measured at the minimum building setback established in said Area, Height and Yard Regulations.
14. A canopy, such as that over gasoline pumps at a motor vehicle service station, shall not



be located within any required front, rear, or side yard established in the applicable zoning district.

15. Steps within yards for the purpose of walking from one level of the yard to another may be located anywhere within the yard.
16. The measurement of building length shall be made along one building wall, in one general direction.
17. When a single family detached dwelling is indicated as a use permitted by right under the use regulations of any zoning district, "single family detached dwelling" shall not be interpreted as including a mobile home.

# ARTICLE IV - RESIDENTIAL DISTRICT REGULATIONS

## Section 400. R-3 SUBURBAN RESIDENTIAL DISTRICT

### Section 401. R-3 SPECIFIC INTENT

It is the purpose of this district to maintain existing residential areas and to allow for a natural expansion of those areas. To preserve the natural open area indigenous to these districts, the clustering of homes is permitted if adequate open land is reserved. Because of slope conditions, larger lot sizes are required in these areas.

### Section 402. R-3 USES PERMITTED BY RIGHT

Land and buildings in an R-3 District shall be used for the following purposes and no others, unless a Special Exception or Conditional Use approval as provided for herein is granted.\

1. Single family detached dwelling.
2. Municipal use.
3. Forestry, subject to Section 626 of this Ordinance
4. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.
5. No Impact Home Based Business
6. Home occupation, subject to Section 621 of this Ordinance.

### Section 403. R-3 USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the provisions of Section 811 of this Ordinance.

1. Cluster development, subject to Section 622 of this Ordinance.

### Section 404. R-3 AREA, HEIGHT, AND YARD REQUIREMENTS

The following regulations shall be observed unless otherwise required by this Ordinance:

	<u>Maximum Permitted</u>
Building Height	35 feet
Building Coverage	15 percent
Paved Area	5 percent
	<u>Minimum Requirements</u>
Building Setback Line	30 feet
Lot Size	40,000 square feet
Lot Width:	
at street line	120 feet
at building setback line	150 feet
Open Area	85 percent
Rear Yard	30 feet
Side Yard:	
total	35 feet
one side	15 feet

## Section 405. PROTECTION OF WOODED AREAS

Where the development of wooded lands is proposed, the applicant shall establish to the satisfaction of the Borough Council on recommendation of the Borough Planning Commission that proposed improvements have been designed and located so as to minimize destruction of mature trees to the extent consistent with the reasonable use of the property. The applicant's presentation shall include a projection of the number and proportion of mature trees to be destroyed as the immediate or eventual consequence of the proposed development activities.

To the maximum extent practicable, any wooded portion of the ridge lines located on the property shall be maintained in an undisturbed state. A photographic record and tree line profile of all such wooded ridge lines located in the property shall be made prior to all construction activities and shall serve as the base line condition to be restored by replacement plantings following construction.

## Section 406. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## **Section 410. R-4 SUBURBAN RESIDENTIAL DISTRICT**

### Section 411. R-4 SPECIFIC INTENT

It is the purpose of this district to maintain existing residential areas and to allow for expansion of those areas.

### Section 412. R-4 USES PERMITTED BY RIGHT

Land and buildings in an R-4 District shall be used for the following purposes and no others, unless a Special Exception as provided for herein is granted.

1. Single family detached dwelling.
2. Municipal use.
3. Forestry, subject to Section 626 of this Ordinance
4. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.
5. No Impact Home Based Business
6. Home occupation, subject to Section 621 of this Ordinance.

### Section 413. R-4 USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the provisions of Section 811 of this Ordinance.

1. Church, provided that the minimum lot size is three (3) acres.
2. State licensed elementary, middle, junior high or senior high school, provided that the minimum lot size is five (5) acres.

## Section 414. R-4 AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed unless otherwise required by this Ordinance:

<u>Maximum Permitted</u>	
Building Height	30 feet
Building Coverage	40 percent
Paved Area	15 percent

<u>Minimum Requirements</u>	
Building Setback Line	30 feet
Lot Size	7,000 square feet
Lot Width:	
at street line	40 feet
at building setback line	60 feet
Open Area	60 percent
Rear Yard	25 feet
Side Yard:	
total	20 feet
one side	8 feet

## Section 415. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## Section 420. R-5 SUBURBAN RESIDENTIAL DISTRICT

### Section 421. R-5 SPECIFIC INTENT

It is the purpose of this district to maintain existing residential areas and to allow for moderate expansion of those areas.

### Section 422. R-5 USES PERMITTED BY RIGHT

Land and buildings in an R-5 District shall be used for the following purposes and no others, unless a Special Exception as provided for herein is granted:

1. Single family detached dwelling.
2. Municipal use.
3. Forestry, subject to Section 626 of this Ordinance
4. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.
5. No Impact Home Based Business
6. Home occupation, subject to Section 621 of this Ordinance.

## Section 423. R-5 AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed unless otherwise required by this Ordinance:

<u>Maximum Permitted</u>	
Building Height	30 feet
Building Coverage	30 percent
Paved Area	10 percent

<u>Minimum Requirements</u>	
Building Setback Line	30 feet
Lot Size	15,000 square feet
Lot Width:	
at street line	60 feet
at building setback line	80 feet
Open Area	70 percent
Rear Yard	25 feet
Side Yard:	
total	25 feet
one side	10 feet

## Section 424 GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## Section 430. R-6 URBAN RESIDENTIAL DISTRICT

### Section 431. R-6 SPECIFIC INTENT

It is the purpose of this district to permit residential development which provides both attractive housing and sufficient open area. Smaller lot areas and a wider variety of housing is permitted in this district.

### Section 432. R-6 USES PERMITTED BY RIGHT

Land and buildings in an R-6 District shall be used for the following purposes and no others, unless a Special Exception as provided for herein is granted:

1. Single-family detached dwelling.
2. Single-family semi-detached dwelling.
3. Townhouses, subject to:
  - a. The density of the development shall not exceed six (6) dwelling units per acre.
  - b. A system for pedestrian circulation shall be provided throughout the development.
  - c. A landscaping plan shall be prepared in accordance with Section 604 of this Ordinance. Provision for the landscaping of the perimeter and interior of all

parking areas shall be included in such plan.

- d. Common parking areas and access drives shall be located a minimum of twenty feet (20') from the property lines of the development and twenty feet (20') from buildings in the development. Common parking areas shall be screened from view of adjoining properties when those properties are zoned R-3 or R-4.
- e. No more than thirty percent (30%) of the area of the development shall be covered by buildings.
- f. Maximum building height shall be thirty feet (30').
- g. The minimum size of the lot to be developed shall be two (2) acres.
- h. No more than thirty percent (30%) of the area of the development shall be paved.
- i. The minimum distance at the closest point between any two buildings, except townhouses in the same continuous row, shall be thirty feet (30'). In addition, where two facing walls both contain a window, the minimum distance between buildings shall be sixty feet (60'); where only one of two facing walls contains a window, the minimum distance between buildings shall be forty-five feet (45').
- j. Townhouses shall not be constructed in rows of more than six (6) dwelling units and all units of a row shall be constructed at the same time. No more than three (3) continuous townhouses shall have the same front setback and the variations in front setbacks shall be at least two feet (2').
- k. Minimum parcel width shall be one hundred fifty feet (150') at the building setback line and street line.
- l. A townhouse shall not be located within thirty feet (30') of a property line of the development nor within thirty feet (30') of a street right-of-way.
- m. No less than twenty-five percent (25%) of the area of the development shall be permanently reserved for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include required open areas between buildings or between buildings and street rights-of-way, driveways, parking areas, and property boundary lines.
- n. A plan showing how the common open space areas will be developed and equipped shall be submitted to the Borough for approval.
- o. Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.
- p. Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.
- q. Common open space areas shall not be used for stormwater detention or retention unless approval is given by the Borough.
- r. For a townhouse placed on an individual lot, the minimum lot size shall be two

thousand (2,000) square feet, the maximum percentage of the lot covered by buildings shall be fifty percent (50%), the minimum lot width at all points shall be twenty feet (20'), the minimum rear yard shall be thirty feet (30'), and the minimum side yard for an end townhouse shall be fifteen feet (15').

1. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
2. Entrances to and exits from common parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
3. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
4. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking area.
5. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.

3. Municipal use.
4. Forestry, subject to Section 626 of this Ordinance
5. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.
6. No Impact Home Based Business
7. Home occupation, subject to Section 621 of this Ordinance.

### Section 433. R-6 USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council Pursuant to the provisions of Section 811 of this Ordinance.

1. Church, provided that the minimum lot size is three (3) acres.
2. State licensed elementary, middle, junior high or senior high school, provided that the minimum lot size is five (5) acres.

### Section 434. R-6 AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed unless otherwise required by this Ordinance.

<u>Maximum Permitted</u>	
Building Height	30 feet
Building Coverage	30 percent
Paved Area	20 percent
<u>Minimum Requirements</u>	
Building Setback Line	20 feet
Lot Size	6,000 square feet

Lot Width:	
at street line	40 feet
at building setback line	55 feet
Open Area	55 percent
Rear Yard	20 feet
Side Yard:	
total	15 feet
one side	5 feet

## Section 435. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## Section 440. R-8 URBAN RESIDENTIAL DISTRICT

### Section 441. R-8 SPECIFIC INTENT

It is the purpose of this district to permit residential development which provides for apartments and townhouses while maintaining sufficient open area so that the dwellings may blend with the characteristics of the land.

### Section 442. R-8 USES PERMITTED BY RIGHT

Land and buildings in an R-8 District shall be used for the following purposes and no others, unless a Special Exception or Conditional Use approval as provided for herein is granted.

1. Townhouses and apartment buildings subject to:
  - a. The density of the development shall not exceed six (6) dwelling units per acre.
  - b. A system for pedestrian circulation shall be provided throughout the development.
  - c. A landscaping plan shall be prepared in accordance with Section 604 of this Ordinance. Provisions for landscaping of the perimeter and interior of all parking areas shall be included in such plan.
  - d. Common parking areas and access drives shall be located a minimum of twenty feet (20') from the property lines of the development and twenty feet (20') from buildings in the development. Common parking areas shall be screened from view of adjoining properties when those properties are zoned R-3 or R-4.
  - e. No more than thirty percent (30%) of the development shall be covered by impervious surfaces.
  - f. Maximum building height shall be thirty-five feet (35'). The maximum number of stories shall be three.
  - g. The minimum size of the lot to be developed shall be five (5) acres.
  - h. No more than twenty-five percent (25%) of the area of the development shall be



paved.

- i. The minimum distance at the closest point between any two buildings, except townhouses in the same continuous row, shall be thirty feet (30'). In addition, where two facing walls both contain a window, the minimum distance between buildings shall be sixty feet (60'); where only one of two facing walls contains a window, the minimum distance between buildings shall be forty-five feet (45').
- j. Townhouses shall not be constructed in rows of more than six (6) dwelling units and all units of a row shall be constructed at the same time. No more than three (3) continuous townhouses shall have the same front setback and the variations in front setbacks shall be at least two feet (2').
- k. Minimum parcel width shall be two hundred fifty feet (250') at the building setback line and street line.
- l. An apartment building shall not be located within forty feet (40') of a property line of the development nor within forty feet (40') of a street right-of-way.
- m. A townhouse shall not be located within thirty feet (30') of a property line of the development nor within thirty feet (30') of a street right-of-way.
- n. No less than twenty-five percent (25%) of the area of the development shall be permanently reserved for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include required open areas between buildings or between buildings and street rights-of-way, driveways, parking areas, and property boundary lines.

A plan showing how the common open space areas will be developed and equipped shall be submitted to the Borough for approval.

Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.

Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.

Common open space areas shall not be used for stormwater detention or retention unless approval is given by the Borough.

- o. For apartment buildings, the maximum building length shall be one hundred fifty feet (150').
- p. For a townhouse placed on an individual lot, the minimum lot size shall be two thousand (2,000) square feet, the maximum percentage of the lot covered by buildings shall be fifty percent (50%), the minimum lot width at all points shall be twenty feet (20'), the minimum rear yard shall be thirty feet (30'), and the minimum side yard for an end townhouse shall be fifteen feet (15').
- q. All dead-end parking lots shall provide adequate areas into which cars parked in

the end stalls of the lots may maneuver.

- r. Entrances to and exits from common parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
  - s. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
  - t. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking area.
  - u. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
- 2. Single family detached dwelling.
  - 3. Individual mobile home (a mobile home not in a mobile home park), subject to:
    - a. Each mobile home shall be provided with a permanent concrete foundation and be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation. The application for placement of the mobile home shall be accomplished by specifications for the foundation and anchoring.
    - b. The minimum foundation requirement is a continuous concrete or masonry skirt and foundation wall around the perimeter of the unit on a concrete foundation. All masonry shall be mortared. The bottom of the footing must be a minimum of three feet (3') below finished grade. The footings shall be a minimum of eight inches (8") thick and sixteen inches (16") wide. Concrete and block shall be eight inches (8"). Three-eighth inch (3/8") diameter anchor bolts at four feet (4') o.c. (in mortar filled cores) shall be provided. Other methods of foundation are permitted only with approval from the Borough.
    - c. All mobile homes shall display a medallion indicating compliance with all applicable governmental construction standards.
  - 4. Municipal Use.
  - 5. Forestry, subject to Section 626 of this Ordinance
  - 6. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.
  - 7. No Impact Home Based Business
  - 8. Home Occupation, subject to Section 621 of this Ordinance.
  - 9. Single Family Semi-Detached Dwelling

## Section 443. R-8 USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the provisions of Section 811 of this Ordinance.

1. Recreation, subject to Section 625 of this Ordinance.
2. Mobile Home Park, subject to:
  - a. The requirements of Ordinance No. 75 of the Borough of St. Lawrence shall apply to all mobile home parks as applicable, except where more stringent standards are imposed by this Ordinance, in which case the more stringent standards of this Ordinance shall apply.
  - b. The minimum areas of a mobile home park shall be five (5) acres.  
  
All mobile home parks shall be served by a public sewage disposal system and a public water supply system.
  - c. The maximum density of any mobile home park shall be four (4) dwelling units per acre.
  - d. Not less than twenty-five percent (25%) of the total area of the mobile home park shall be permanently set aside for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way, nor shall they include required open areas between buildings or between buildings and street rights-of-way, driveways, parking areas, and property boundary lines.
    1. A plan showing how the common open space areas will be developed and equipped shall be submitted to the Borough for approval.
    2. Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.
    3. Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.
    4. Common open space areas shall not be used for stormwater detention or retention unless approval is given by the Borough.
  - e. The minimum area of a mobile home lot shall be five thousand (5,000) square feet. The minimum width of a mobile home lot shall be thirty feet (30') at the street right-of-way line and forty feet (40') at the building setback line.
  - f. Two (2) off-street parking spaces shall be provided on each mobile home lot.
  - g. The minimum allowable distance between any mobile home and another mobile home, service or accessory building not within the same lot shall be twenty feet (20').
  - h. Each mobile home shall be placed on a lot which has frontage on and direct

access to an approved street within the mobile home park and shall be located to provide safe and convenient access for servicing and fire protection.

- i. The limits of each mobile home lot shall be clearly marked on the ground by permanent markers.
- j. Each mobile home space shall be provided with a permanent foundation that will not heave, shift, settle, or move due to frost action, inadequate drainage, vibration or other forces acting on the foundation. The foundation shall be of adequate size, material, and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. Each mobile home space shall be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces and uplift as may be specified in the Uniform.

The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

- k. All mobile home parks shall contain a pedestrian circulation system which shall be designed, constructed and maintained for safe and convenient movement from all mobile home spaces to principal destinations within the park and, if appropriate, shall provide safe and convenient access to pedestrian ways leading to destinations outside of the park. "Principal destinations" include such uses as recreation areas, service buildings, storage areas, common parking areas and management offices. All pedestrian walks shall have a minimum width of four feet (4') and shall be paved. In addition, they shall be provided with lighting units spaced, equipped and installed to allow safe movement of pedestrians at night.
  - l. All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas, shall conform to the requirements of the UCC as applicable. Attachments to mobile homes in the form of sheds and lean-to's are prohibited.
  - m. The mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.
  - n. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the park and their guests.
  - o. Ground surfaces in all parts of a mobile home park must be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and the emanation of dust.
  - p. Park grounds must be kept free of vegetative growth which is poisonous or which may produce pollen or harbor rodents, insects, or other pests harmful to man.
3. Cluster Development, subject to Section 622 of this Ordinance.
4. Group Home, within a single family detached dwelling, subject to:
- a. No more than one (1) Group Home shall be located in any one (1) dwelling;
  - b. The premises where the Group Home is located shall be owned or leased by the

sponsoring agency sponsoring the Group Home;

- c. A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the Group Home;
- d. By design and intent, the Group Home shall provide for the long-term housing needs of its residents, not for the needs of transient individual;
- e. No less than one (1) and no more than two (2) live-in supervisors shall reside in the Group Home and at least one (1) of those supervisors shall be on the premises during all hours in which any resident of the Group Home is on the premises;
- f. No Group Home shall be located within seven hundred fifty feet (750') of another Group Home;
- g. The dwelling shall not be altered in any manner that would change the single family dwelling character of the Group Home;
- h. One (1) off-street parking space shall be provided for each staff member assigned to the Group Home;
- i. The sponsoring agency shall document to the Borough Council that all plumbing, heating, electrical, sanitary sewer, storm sewer, and similar facilities meet the applicable ordinances, rules, regulations, and laws of the Borough and/or the Commonwealth of Pennsylvania.

#### Section 444. AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed unless otherwise required by this Ordinance.

##### Maximum Permitted

Building Height	35 feet
Building Coverage	5 percent
Paved Area	5 percent

##### Minimum Requirements

Building Setback Line	30 feet Lot
Size	5 acres
Open Area	90 percent
Rear Yard	30 feet
Side Yard	30 feet per side

#### Section 445. PROTECTION OF WOODED AREAS

Where the development of wooded lands is proposed, the applicant shall establish to the satisfaction of the Borough Council on recommendation of the Borough Planning Commission that proposed improvements have been designed and located so as to minimize destruction of mature trees to the extent consistent with the reasonable use of the property. The applicant's presentation shall include a projection of the number and proportion of mature trees to be destroyed as the immediate or eventual consequence of the proposed development activities.

To the maximum extent practicable, any wooded portion of the ridge lines located on the property shall be maintained in an undisturbed state. A photographic record and tree line profile of all such wooded ridge lines located on the property shall be made prior to all construction activities and shall serve as the "base line" condition to be restored by replacement plantings following construction.

## **Section 446. GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## **Section 450. R-10 URBAN RESIDENTIAL DISTRICT**

### **Section 451. R-10 SPECIFIC INTENT**

It is the purpose of this district to preserve existing residential development by providing both protection and alternative reuse potential. Because these sections are already highly developed in older housing, lot areas are reduced. However, adequate off-street parking is necessary for alternative uses.

### **Section 452. R-10 USES PERMITTED BY RIGHT**

Land and buildings in an R-10 District shall be used for the following purposes and no other, unless a Special Exception as provided for herein is granted:

1. Single family detached dwelling.
2. Municipal use.
3. Forestry, subject to Section 626 of this Ordinance
4. Accessory uses and structures to the above uses on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.
5. No Impact Home Based Business
6. Home occupation, subject to Section 621 of this Ordinance.
7. Conversion of an existing principal non-residential building to professional offices.
8. Conversion of an existing principal non-residential building to an apartment building subject to:
  - a. Each dwelling unit shall not have less than six hundred (600) square feet of floor area. A dwelling unit shall contain a minimum of one hundred fifty (150) square feet of floor area for each person residing in the dwelling unit.
  - b. Two (2) off-street parking spaces shall be provided for each dwelling unit.
  - c. The lot area per family is not reduced to less than four thousand four hundred (4,400) square feet per family.
  - d. The yard, height, and lot coverage requirements for the District in which the building is located shall not be violated, or further violated, as the case may be.
  - e. A minimum of twenty-five percent (25%) of the lot area shall be designated as common open space.
  - f. Parking areas containing more than six (6) parking spaces shall be screened from adjacent lots and streets.

- g. A separate entrance shall be provided to each dwelling unit. Entrance shall not be possible through another dwelling unit.
- h. All requirements of Section 629 must be met.
- 9. Any change of use must apply for a zoning permit, as per Section 801.
- 10. Single Family Semi-Detached Dwelling

**Section 453. R-10 USES PERMITTED BY CONDITION**

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the provisions of Section 811 of this Ordinance.

- 1. Professional businesses, including:
  - a. Any use which would be permitted under Home Occupation Regulations, Section 621 of this Ordinance;
  - b. Professional offices;
  - c. Barber shop or beauty shop; tailor or seamstress shop; shoe or jewelry repair shop;
  - d. Retail sales of goods if the activities are naturally accessory to another permitted use and gross revenues for retail sales of goods do not exceed one-third of the total gross revenues from the total business operations.
- 2. The following standards must be met before any use is permitted as a professional business:
  - a. No use shall be permitted unless direct access to the street is available from the building;
  - b. No more than ten (10) persons shall be employed within the building on a full-time basis;
  - c. No use shall be conducted outside a building;
  - d. No activity shall be conducted in such a way that any noise, dust, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.

**Section 454. R-10 AREA, HEIGHT AND YARD REGULATIONS**

The following regulations shall be observed for each lot unless otherwise required by this Ordinance.

<u>Maximum Permitted</u>	
Building Height	30 feet
Building Coverage	40 percent
Paved Area	20 percent
<u>Minimum Requirements</u>	

Building Setback	20 feet
Lot Size	7,000 square feet
Lot Width	
at street and building setback lines	50 feet
Open Area	55 percent
total	16 feet
one side	8 feet
Rear Yard	25 feet

## Section 455. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable



## **ARTICLE V - NON-RESIDENTIAL REGULATIONS**

### **Section 500. C-5 HIGHWAY COMMERCIAL DISTRICT**

#### **Section 501. C-5 SPECIFIC INTENT**

It is the purpose of this district to provide an area to accommodate commercial activities which are based on local traffic. Because of quicker stops and slower traffic speeds, large setbacks and lot areas are not required. Residential uses are generally restricted.

#### **Section 502. C-5 USES PERMITTED BY RIGHT**

Land and buildings in C-5 District shall be used for the following purposes and no others, unless a Conditional Use Approval as provided for herein is granted:

1. Retail sales of goods within a building such as, but not limited to, antiques, appliances, auto parts, beverages, bicycles, books, but not an Adult Book Store, cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, and tobacco.
2. Personal or household service establishments conducted within a building such as, but not limited to, barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; shops renting and repairing household goods, shoes, jewelry and appliances; medical equipment rental shops; and video rental shops.
3. Municipal use.
4. Forestry, subject to Section 626 of this Ordinance
5. Business, professional, or governmental offices.
6. Financial Institution without drive thru service
7. Studio.
8. Commercial school for the teaching of trades, arts, or skills.
9. Health fitness center.
10. Standard restaurant, carry-out restaurant, or fast-food restaurant without drive thru service.
11. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.

#### **Section 503. C-5 USES PERMITTED BY CONDITION**

The following uses are permitted when Conditional Use Approval is granted by the Borough Council in accordance with Section 811 of this Ordinance.

1. Car, truck, mobile home, or recreational vehicle sales agency, provided that all items for sale and all parking areas shall conform with all State Highway occupancy requirements, not interfere with clear site of traffic and be located a minimum of ten feet

- (10') from lot lines and street rights-of-way.
2. Motor vehicle service station, provided that:
    - a. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
    - b. Fuel pumps shall be at least twenty feet (20') from any street line.
    - c. All activities except those required to be performed at the fuel pumps or air dispensers shall be performed within a completely enclosed building.
  3. Car wash, subject to:
    - a. A paved approach drive to accommodate a minimum of three (3) cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of four (4) cars.
    - b. A traffic study shall be submitted which indicates whether there is sufficient on-site space for stacking of vehicles, vehicle maneuver, pedestrian movement and parking.
  4. Repair garage, subject to:
    - a. All repair activities shall be performed within a completely enclosed building.
    - b. All outdoor storage of vehicles awaiting repair shall be screened from view by a fence or planting screen constructed of such material and in such a manner that the outdoor storage of vehicles is not visible from public streets and adjoining properties.
    - c. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  5. Financial Institution with drive thru service
    - a. Drive thru service permissible at banks and savings and loan associations provided that it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the Applicant and subject to approval by the Borough.
  6. Standard Restaurant, Carry-Out Restaurant or Fast Food Restaurant with drive thru service.
    - a. Drive thru service permissible provided that it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the Applicant and subject to approval by the Borough.
  7. Adult Book Stores, Adult Motion Picture Theaters, Cabarets, and Massage parlors, subject to Section 624.
  8. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 602 of this Ordinance.

## Section 504. C-5 AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed for each lot unless otherwise required by this Ordinance.

### Maximum Permitted

Building Height	30 feet
Building Length	150 feet
Floor Area Ratio	.5
Building Coverage	35 percent
Paved Area	45 percent

### Minimum Permitted

Distance Between Buildings	30 feet
Distance Between Highway Access Points	80 feet
Highway Frontage	100 feet
Lot Size	
per construction site	15,000 square feet
per unit of use	10,000 square feet
Open Area	25 percent
Setback	
for building setback line	25 feet
for improvement setback line	10 feet
Yard Requirements	
side yard per side	20 feet
rear yard	25 feet

## Section 505. C-5 PERFORMANCE STANDARDS

The following regulations shall be observed for each use:

1. No waste materials shall be stored on the lot.
2. No operations shall be permitted which constitute a danger to the community.
3. No potentially dangerous effluent from operations shall be discharged.
4. No glare created by any use shall extend beyond the lot lines.
5. No materials, goods or products shall be stored outside a building.
6. No smoke from operations shall be permitted.
7. No sign-facing shall be readable from the rear of the property.
8. No offensive odor shall be perceptible beyond the lot lines.
9. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
10. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

11. New and /or expanded businesses must apply for a permit per the requirements of Section 801.

## **Section 510. C-8 SHOPPING CENTER COMMERCIAL DISTRICT**

### **Section 511. C-8 SPECIFIC INTENT**

It is the purpose of this district to provide an area for a large unified commercial center which provides goods and services to a large trading area. Parking facilities are necessary and they can be grouped to service a number of retail stores. The overall appearance and design is essential because the shopping center, rather than its individual stores, is emphasized.

### **Section 512. C-8 USES PERMITTED BY RIGHT**

Land and buildings in C-8 Districts shall be used for the following purposes and no others, unless a Conditional Use Approval as provided for herein is granted:

1. Retail sales of goods within a building such as, but not limited to antiques, appliances, auto parts, beverages, bicycles, books, but not an Adult Book Store, cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, and tobacco.
2. Personal or household service establishments conducted within a building such as, but not limited to, barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; shops renting and repairing household goods, shoes, jewelry and appliances; medical equipment rental shops; and video rental shops.
3. Municipal use.
4. Forestry, subject to Section 626 of this Ordinance
5. Business, professional, or governmental offices.
6. Financial institution without drive thru service
7. Indoor theater, but not an Adult Motion Picture Theater
8. Studio.
9. Commercial school for the teaching of trades, arts, or skills.
10. Health fitness center.
11. Library or post office or similar establishment specializing in commercial shipment of letters and packages.
12. Standard restaurant, carry-out restaurant or fast food restaurant without drive-thru service.
13. Shop specializing in printing and/or publishing
14. Accessory uses and structures to the above uses when on the same lot and

customarily incidental to the permitted use, subject to Section 602 of this Ordinance.

### Section 513. C-8 USES PERMITTED BY CONDITION

The following uses are permitted when Conditional Use Approval is granted by the Borough Council in accordance with Section 811 of this Ordinance.

1. Bowling alley, skating rink, amusement room for the use of electronic and/or mechanical coin operated devices, and other similar indoor uses.
2. State licensed adult or day care center, subject to:
  - a. All State licensing requirements shall be met.
  - b. Provision shall be made for safe pickup and delivery of those being cared for, such that those being cared for do not have to cross traffic areas to reach the car waiting to pick them up.
3. Club or lodge, provided all club or lodge activities shall be conducted within buildings or structures.
4. Retail Bakery
5. Specialty Food Store
6. Church
7. Motel or Hotel, including Meeting Rooms and Auditoriums
8. Financial Institution with drive thru service, with drive thru service permissible at banks and savings and loan associations provided that it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the Applicant and subject to approval by the Borough.
9. Standard restaurant, carry-out restaurant or fast food restaurant with drive thru service permissible provided that it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the Applicant and subject to approval by the Borough.
10. Medical Laboratory
11. Medical or Dental Clinic

### Section 514. C-8 AREA, YARD, AND HEIGHT REGULATIONS

The following regulations shall be observed, unless otherwise required by this Ordinance.

#### Maximum Permitted

Building Height	30 feet
Building Length	600 feet
Floor Area Ratio	.7
Lot Coverage	40 percent
Paved Area	50 percent

### Minimum Requirements

Distance Between Buildings	50 feet
Distance Between Highway Access Points	150 feet
Highway Frontage	400 feet
Lot Size	
per construction site	3 Acres
per unit of use	2,500 square feet.
Open Area	25 percent
Setback	
for building setback line	50 feet
for improvement setback line	10 feet
Yard Requirements	
side yard per side	50 feet
rear yard	50 feet

## Section 515. C-8 PERFORMANCE STANDARDS

The following regulations shall be observed for each use.

1. No operations shall be permitted which constitute a danger to the community.
2. No waste materials shall be stored on the lot.
3. No potentially dangerous effluent from operations shall be discharged.
4. No glare which is perceptible beyond the lot lines shall be produced.
5. No goods shall be displayed outside buildings.
6. No unpacked goods shall be sold for consumption on premises outside a building.
7. No offensive odors shall be perceptible beyond the lot lines.
8. No noise emanating from a use in this district shall continually exceed the level of ordinary conversation at the lot lines.
9. No sign fencing shall be readable from the rear of the property.
10. No smoke from operations shall be permitted.
11. No materials, goods, or products shall be stored outside buildings.
12. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
13. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.
14. New and /or expanded businesses must apply for a permit per the requirements of Section 801.

## Section 516. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## Section 520. C-10 MIXED COMMERCIAL DISTRICT

### Section 521. C-10 SPECIFIC INTENT

It is the purpose of this district to preserve existing residential development and commercial uses and to provide alternative re-use potentiality. However, adequate off-street parking is necessary for alternative uses.

### Section 522. C-10 USES PERMITTED BY RIGHT

Land and buildings in a C-10 District shall be used for the following purposes and no others unless a Conditional Use approval as provided for herein has been granted.

1. Retail business establishments for the sale within a building of goods such as, but not limited to, antiques, appliances, auto parts, books, not an Adult Book Store, building materials, cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment and supplies, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, and tobacco.
2. Personal or household service establishments conducted within a building such as, but not limited to barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; medical equipment rental shops; video rental shops; and shops renting and repairing household goods, shoes, jewelry and appliances.
3. Standard or fast food restaurant.
4. Financial institution without drive thru service.
5. Professional, business or government offices.
6. Municipal use.
7. Forestry, subject to Section 626 of this Ordinance
8. Commercial school for the teaching of trades, arts, or skills.
9. Studio.
10. Library, post office or similar establishment specializing in commercial shipment of letters and packages.
11. Funeral home.
12. All residential uses permitted by right in the R-6 District, subject to the applicable regulations of the R-6 District.
13. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

## Section 523. C-10 USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the provisions of Section 811 of this Ordinance.

1. Church, provided that the minimum lot size is three (3) acres.
2. Lumber and building materials sales, provided that all items for sale shall be enclosed within buildings.
3. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, or heating contractor, provided that there shall be no outdoor storage of materials used by the tradesman nor shall any skills be performed outside a building.
4. Outdoor maintenance service provider, subject to:
  - a. No outdoor storage of materials
  - b. No outdoor storage of equipment
  - c. Any storage of chemicals shall be according to the 2006 International Fire Code as amended.
5. State Licensed Adult or Child Day Care Center, subject to:
  - a. All State licensing requirements shall be met
  - b. Provision shall be made for safe pickup and delivery of children, such that the children do not have to cross traffic areas to reach the car waiting to pick them up.
6. Nursing Home, subject to:
  - a. The maximum building height at any point shall be thirty feet (30'). The number of full stories exposed shall not exceed two (2).
  - b. The minimum building setback from public streets shall be fifty feet (50').
  - c. All structures shall be located a minimum of fifty feet (50') from the property lines of the lot.
  - d. No more than twenty percent (20%) of the total area of the lot shall be covered by buildings.
  - e. No more than twenty percent (20%) of the total area of the lot shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.
  - f. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the lot.
  - g. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
  - h. All principal buildings shall be separated by a minimum horizontal distance of



forty-five feet (45').

- i. No less than thirty percent (30%) of the total area of the lot shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation or natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.
- j. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- k. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- l. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- m. An entrance to or exit from a common parking area shall be located a minimum of fifty feet (50') from the point of intersection of any street right-of-way lines and the point of intersection of the nearest interior access drives.
- n. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space areas, and other community facilities.
- o. A landscaping plan for the nursing home prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- p. There shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.

7. Apartment conversion, subject to:

- a. In addition to all other information, the applicant shall submit:
  - 1. A statement showing the uses of each property on all sides extending two hundred feet (200') from each lot line; at least fifty percent (50%) of the total area of these properties must either be vacant lots, in industrial or commercial use, or existing residential conversions. Otherwise at least fifty percent (50%) of the residential property owners shall signify their approval. In such a petition only one (1) owner need indicate approval for the lot.
  - 2. A sketch of the lot in question, showing the necessary off-street parking spaces.
  - 3. A sketch of the interior floor plans for each floor showing the use of each room.

- b. A single family detached dwelling or nonresidential building may be converted into a dwelling for more than one family, subject to the following requirements:
    1. Each dwelling unit shall not have less than six hundred (600) square feet of floor area. A dwelling unit shall contain a minimum of one hundred fifty (150) square feet of floor area for each person residing in the dwelling unit.
    2. Two (2) off-street parking spaces shall be provided for each dwelling unit.
    3. The lot area per family is not reduced to less than four thousand four hundred (4,400) square feet per family.
    4. The yard, height, and lot coverage requirements for the District in which the building is located shall be met.
    5. A minimum of twenty-five percent (25%) of the lot area shall be designated as common open space.
    6. Parking areas containing more than six (6) parking spaces shall be screened from adjacent lots and streets.
    7. Unless otherwise approved by Borough Council, no structural alterations of the building exterior shall be made except as may be necessary for purposes of safety, and after conversion the building shall retain substantially the same architectural appearance it had before such conversion. Additional entrances or exterior stairways or fire escapes permitted by the Council shall not be located in a wall bordering a street.
    8. A separate entrance shall be provided to each dwelling unit. Entrance shall not be possible through another dwelling unit.
    9. An exit from the building shall be located on each floor which contains a dwelling unit.
    10. The Borough Council shall specify the maximum number of families permitted to occupy such building, and may prescribe such further conditions and restrictions as the Council may consider appropriate.
  - c. In reviewing an application, the following items shall be considered:
    1. Existing conditions within the neighborhood itself;
    2. Street traffic and traffic patterns;
    3. The adequacy of means of ingress and egress;
    4. The suitability and size of the proposed rooms to be used;
    5. The potential danger of fire and other elements of public safety.
8. Car wash, subject to:
- a. A paved approach drive to accommodate a minimum of three (3) cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of four (4) cars.

- b. A traffic study shall be submitted which indicates whether there is sufficient on-site space for stacking of vehicles, vehicle maneuver, pedestrian movement and parking.
9. Financial Institution with drive thru service, with drive thru service permissible at banks and savings and loan associations provided that it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the Applicant and subject to approval by the Borough.

**Section 524. C-10 AREA, HEIGHT AND YARD REGULATIONS**

The following regulations shall be observed unless otherwise required by this Ordinance.

All residential uses shall be subject to the same area, height and yard requirements as imposed by the R-6 Urban Residential District, Section 430 of this Ordinance.

<u>Maximum Permitted</u>	
Building Height	30 feet
Floor Area Ratio	0.8
Lot Coverage	40 percent
Paved Area	30 percent
<u>Minimum Requirements</u>	
Highway Frontage	40 feet
Lot Size	
per construction site	10,000 square feet
per unit of use	2,500 square feet
Open Area	40 percent
Setback	
for building setback line	20 feet
for improvement setback line	10 feet
Yard Requirements	
side yard per side	8 feet
rear yard	25 feet

**Section 525. C-10 PERFORMANCE STANDARDS**

The following regulations shall be observed.

1. No glare created by a use shall extend beyond the lot lines.
2. All uses shall be conducted within a building.
3. No noise emanating from a use in this district shall continually exceed the level of ordinary conversation at the lot lines.
4. No waste materials shall be stored on the lot.
5. No potentially dangerous effluent from operations shall be discharged.
6. No operations shall be permitted which constitute a danger to the community.

7. No unpacked goods shall be sold for consumption on premises outside a building.
8. No smoke from operations shall be permitted.
9. No offensive odors shall be perceptible beyond the lot lines.
10. All storage shall be completely screened from view from any public right-of-way and any residential use.
11. No sign fencing shall be readable from the rear of the property.
12. No activities of skilled tradesmen shall be conducted between 8:00 p.m. and 8:00 a.m.
13. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
14. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.
15. New and /or expanded businesses and conversions must apply for a permit per the requirements of Section 801.

## **Section 526. GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## **Section 530. I-1 GENERAL INDUSTRIAL DISTRICT**

### **Section 531. I-1 SPECIFIC INTENT**

It is the purpose of this District to allow the continuation of existing industrial activities in an area of the Borough where those activities are presently being conducted.

### **Section 532. I-1 USES PERMITTED BY RIGHT**

Land and buildings in an I-1 District shall be used for the following purposes and no other.

1. Business professional or governmental office.
2. Municipal use.
3. Printing and publishing activities.
4. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development, provided that all such activities shall be carried on within a building.
5. Industrial operations involving the production, packaging, fabrication, processing,

assembly and manufacture of goods and materials, provided that all such activities shall be carried on within a building and there shall be no outdoor storage of materials used in activities conducted on the site.

6. Accessory structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood.
7. Forestry, subject to Section 626 of this Ordinance

### Section 533. I-1 AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed unless otherwise required by this Ordinance.

#### Maximum Permitted

Building Height	35 feet
Floor Area Ratio	1.0
Lot Coverage	50 percent
Paved Area	50 percent

#### Minimum Requirements

Distance Between Buildings	40 feet
Distance Between Highway Access Points	75 feet
Highway Frontage	100 feet
Lot Size	
per construction site	One Acre
per unit of use	One Acre
Open Area	20 percent
Setback	
Building Setback Line	25 feet
Improvement Setback Line	10 feet
Yard Requirements	
side yard per side	20 feet
rear yard	25 feet

### Section 534. I-1 PERFORMANCE STANDARDS

The following regulations shall be observed for each use. The Borough Council may require safeguards to assure compliance with these regulations. Upon request of the Borough the owner shall furnish or obtain proof at his own expense that he is in compliance with the following standards:

1. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
2. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use. The plan for the screen shall be prepared by a registered landscape architect and is subject to approval by the Borough.
3. No operations shall be permitted which constitute a danger to the community.
4. No loading shall be permitted in the area between the building setback line and the street line.

5. No sign facing shall be readable from the rear of the property.
6. No smoke from operations shall be permitted.
7. Air Management
  - a. No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors, or fumes originate. No toxic or corrosive gases, vapors, or fumes shall be released into the atmosphere.
  - b. No odors shall be detectable beyond the lot lines of the lot on which such odors originate.
  - c. The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission of Hazardous Air Pollutants, and Ambient Air Quality sources, unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
  - d. No person shall permit the emission into the outdoor atmosphere of visible air contaminants.
  - e. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.
8. Wastewater Management
  - a. Effluent must meet any standards established by the Borough or applicable Authority.
  - b. In no case shall untreated potentially dangerous or contaminating effluent or waste from the plant operations be discharged.
9. Solids Waste Management
  - a. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.
10. Noise and Vibration
  - a. Sound level limits shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Sound Levels by Receiving Land Use

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level Limit</u>
Residential	7:00 a.m. – 10:00 p.m.	60 dBA
	10:00 p.m. – 7:00 a.m. Plus Sundays and legal holidays	50 dBA
Commercial	7:00 a.m. – 10:00 p.m.	65 dBA

	10:00 p.m. – 7:00 a.m. Plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

- b. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:
  - 1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
  - 2. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
  - 3. Construction operations.
  - 4. Lawn maintenance equipment.
  - 5. Motor vehicle operations.
- c. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines.

11. Visual and Heat

- a. No lighting shall be utilized in a manner which produces glare perception at or beyond the lot lines.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

12. Electromagnetic and Radioactive Radiation

- a. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

13. Carcinogenic Substances

- a. No carcinogenic substances shall be released into the air, ground, or water.

14. PaDEP Requirements

- a. All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

**Section 535. GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## **Section 540. I-2 LIGHT INDUSTRIAL DISTRICT**

### **Section 541. I-2 SPECIFIC INTENT**

It is the purpose of this District to provide an area for light industrial and specified business uses which will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Borough.

### **Section 542. I-2 USES BY RIGHT REGULATIONS**

Land, buildings and premises in an I-2 District shall be used for one or more of the following purposes and no others, unless a Conditional Use Approval as provided herein is granted:

1. Business, professional or governmental office.
2. Municipal use.
3. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development, provided that all such activities shall be carried on within a building.
4. Printing and publishing activities.
5. Industrial operations involving the production, packaging, fabrication, processing, assembly and manufacture of goods and materials, provided that all such activities shall be carried on within a building and there shall be no outdoor storage of materials used in activities conducted on the site.
6. Financial institution.
7. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman, provided that there shall be no outdoor storage of materials used by the tradesman nor shall any skills be performed outside a building.
8. Retail sale of goods within a building such as, but not limited to antiques, appliances, beverages, bicycles, books, cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys and tobacco.
9. Accessory structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood.
10. Forestry, subject to Section 626 of this Ordinance

### **Section 543. USES BY CONDITIONAL USE**

The following uses are permitted when Conditional Use Approval is granted by the Borough Council in accordance with Section 811 of this Ordinance.

1. State licensed Day Care Center, subject to:
  - a. All State licensing requirements shall be met.
  - b. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them



- up.
- 2. Restaurant
- 3. Fire Company, excluding social quarters maintained and operated by the fire company and/or its affiliated organizations.

**Section 544. AREA, HEIGHT AND YARD REGULATIONS**

The following regulations shall be observed for each lot:

Maximum Regulations

Building Height	30 feet
Floor Area Ratio	.7
Lot Coverage	40 percent
Paved Area	50 percent

Minimum Regulations

Distance Between Buildings	50 feet
Distance Between Highway Access Points	150 feet
Highway Frontage	300 feet
Lot Size	
per construction site	2 acres
per unit of use	15,000 square feet
Open Area	30 percent
Setback	
Building setback line	50 feet
Improvement setback line	10 feet
Yard Requirements	
Side yard per side	50 feet
Rear yard	50 feet

**Section 545. PERFORMANCE STANDARDS**

The following regulations shall be observed for each use. The Borough Council may require safeguards to assure compliance with these regulations. Upon request of the Borough the owner shall furnish or obtain proof at his own expense that he is in compliance with the following standards:

1. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
2. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use. The plan for the screen shall be prepared by a registered landscape architect and is subject to approval by the Borough.
3. No operations shall be permitted which constitute a danger to the community.
4. No loading shall be permitted in the area between the building setback line and the street line.
5. No sign facing shall be readable from the rear of the property.

6. No smoke from operations shall be permitted.
7. Air Management
  - a. No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors, or fumes originate. No toxic or corrosive gases, vapors, or fumes shall be released into the atmosphere.
  - b. No odors shall be detectable beyond the lot lines of the lot on which such odors originate.
  - c. The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission of Hazardous Air Pollutants, and Ambient Air Quality sources, unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
  - d. No person shall permit the emission into the outdoor atmosphere of visible air contaminants.
  - e. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.
8. Wastewater Management
  - a. Effluent must meet any standards established by the Borough or applicable Authority.
  - b. In no case shall untreated potentially dangerous or contaminating effluent or waste from the plant operations be discharged.
9. Solids Waste Management
  - a. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.
10. Noise and Vibration
  - a. Sound level limits shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Sound Levels by Receiving Land Use

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level Limit</u>
Residential	7:00 a.m. – 10:00 p.m.	60 dBA
	10:00 p.m. – 7:00 a.m. Plus Sundays and legal holidays	50 dBA
	Commercial	7:00 a.m. – 10:00 p.m.

	10:00 p.m. – 7:00 a.m. Plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

b. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

c. The emission of sound for the purpose of alerting persons to the existence of an emergency.

d. Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.

1. Construction operations.
2. Lawn maintenance equipment.
3. Motor vehicle operations.
4. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines.

11. Visual and Heat

- a. No lighting shall be utilized in a manner which produces glare perception at or beyond the lot lines.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

12. Electromagnetic and Radioactive Radiation

- a. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

13. Carcinogenic Substances

- a. No carcinogenic substances shall be released into the air, ground, or water.

14. PaDEP Requirements

- a. All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

**Section 546. GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## **Section 550 RC–RURAL CONSERVATION DISTRICT**

### **Section 551. RC SPECIFIC INTENT**

It is the purpose of this District to encourage the preservation of rural areas containing woodlands, watersheds, watercourses and wildlife habitats, which will serve to perpetuate the rural atmosphere, open spaces and scenic landscapes in these portions of the Borough. Much of the District contains steep slopes, and is classified as having severe limitations to development. Because of this, intensive residential development will not be permitted.

### **Section 552. RC USES PERMITTED BY RIGHT**

Land and buildings in an RC District may be used for the following purposes and no others unless a Conditional Use Approval has provided for in Section 553 is granted.

1. Woodland or game preserve, wildlife sanctuary, or similar conservation use.
2. Municipal use.
3. Forestry, subject to Section 626 of this Ordinance
4. Recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, hiking trails, trails for non-motorized bicycles, and camps (except campgrounds), subject to Section 625.
5. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

### **Section 553. RC USES PERMITTED BY CONDITION**

The following uses are permitted when Conditional Use Approval is granted by the Borough Council in accordance with Section 811 of this Ordinance.

1. Single family detached dwelling, Subject to Section 555.
2. Home occupation, subject to Section 621.
3. Accessory uses and structures to the above uses when on the same lot as the permitted use.

### **Section 554. GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

### **Section 555. AREA, YARD, AND HEIGHT REGULATIONS**

#### Maximum Requirements

Building Height	35 feet
Lot Coverage	5 percent
Paved Area	5 percent
Clear Cutting of Wooded Area	20 percent

#### Minimum Requirements

Lot Area	3 acres
Building Setback	50 feet
Lot Width	
At Street Line	100 feet
At Building Setback Line	200 Feet
Open Area	90 Percent
Side Yard	
Total	60 Feet
One Side	30 Feet
Rear Yard	30 Feet

## **Section 560 PI – PUBLIC / INSTITUTIONAL**

### **Section 561 PI SPECIFIC INTENT**

The PI District is defined as that which is primarily intended to accommodate uses of a governmental, school district, civic, public service, or public institutional nature, including major public facilities, schools, public utilities, and local government- owned property.

### **Section 562. PI USES PERMITTED BY RIGHT**

Land and buildings in an PI District may be used for the following purposes and no others unless a Conditional Use as provided for in Section 563 is granted.

1. Woodland or game preserve, wildlife sanctuary, or similar conservation use.
2. Municipal use.
3. State licensed elementary, middle, junior high or senior high school, provided that the minimum lot size is five (5) acres.
4. Church, provided that the minimum lot size is three (3) acres.
5. Public recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, hiking trails, trails for non-motorized bicycles, and camps (except campgrounds), subject Section 625.
6. Forestry, subject to Section 626 of this Ordinance
7. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use subject to Article VI.

### **Section 563. PI USES PERMITTED BY CONDITION**

The following use is permitted when Conditional Use Approval is granted by the Borough Council in accordance with 811 of this Ordinance.

1. Cell Towers, in accordance with Section 627

### **Section 564 GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## Section 565. PI AREA, YARD, AND HEIGHT REGULATIONS

	<u>Maximum Permitted</u>
Building Height	40 Feet
Lot Coverage	10 Percent
Paved Area	15 Percent
Clear Cutting of Wooded Area Except for Forestry Operations	20 Percent

	<u>Minimum Requirements</u>
Lot Area	3 Acres
Building Setback	50 Feet
Lot Width	
At Street Line	100 Feet
At Building Setback Line	200 Feet
Open Area	75 Percent Side Yard
One Side	50 Feet
Rear Yard	50 Feet

## Section 570. BC - BOROUGH CENTER

### Section 571. BC SPECIFIC INTENT

It is the purpose of this district to preserve existing residential development, municipal, and neighborhood commercial uses and to provide alternative re-use potentiality. However, adequate off-street parking and access are necessary for alternative uses.

### Section 572. BC USES PERMITTED BY RIGHT

Land and buildings in a Borough Center District shall be used for the following purposes and no others unless a Conditional Use as provided for herein has been granted.

1. Personal or household service establishments conducted within a building such as, but not limited to barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; medical equipment rental shops; video rental shops; and shops renting and repairing household goods, shoes, jewelry and appliances.
2. Professional, business or government offices.
3. Municipal use.
4. All residential uses permitted by right in the R-6 District, subject to the applicable regulations of the R-6 District.
5. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.
6. Forestry, subject to Section 626 of this Ordinance

### Section 573. BC USES PERMITTED BY CONDITION

The following uses are permitted as a Conditional Use when authorized by the Borough Council Subject to Section 811 of this Ordinance.

1. Church, provided that the minimum lot size is three (3) acres.
2. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, homebuilder, heating contractor, or similar use, provided that there shall be no outdoor storage of materials used by the tradesman nor shall any skills be performed outside a building.
3. State Licensed Adult or Child Day Care Center, subject to:
4. All State licensing requirements shall be met.
5. Provision shall be made for safe pickup and delivery of children, such that the children do not have to cross traffic areas to reach the car waiting to pick them up.
6. Apartment conversion, subject to:
  - a. In addition to all other information, the applicant shall submit:
    1. A statement showing the uses of each property on all sides extending two hundred feet (200') from each lot line; at least fifty percent (50%) of the total area of these properties must either be vacant lots, in industrial or commercial use, or existing residential conversions. Otherwise at least fifty percent (50%) of the residential property owners shall signify their approval. In such a petition only one (1) owner need indicate approval for the lot.
    2. A sketch of the lot in question that shows the necessary off-street parking spaces.
    3. A sketch of the interior floor plans for each floor showing the use of each room.
  - b. A single-family detached dwelling or nonresidential building may be converted into a dwelling for more than one (1) family, subject to the following requirements:
    1. Each dwelling unit shall not have less than six hundred (600) square feet of floor area. A dwelling unit shall contain a minimum of one hundred fifty (150) square feet of floor area for each person residing in the dwelling unit.
    2. Three (3) off-street parking spaces shall be provided for each dwelling unit.
    3. The lot area per family is not reduced to less than four thousand four hundred (4,400) square feet per family.
    4. The yard, height, and lot coverage requirements for the District in which the building is located shall be met.
    5. A minimum of twenty-five percent (25%) of the lot area shall be designated as common open space.
    6. Parking areas containing more than six (6) parking spaces shall be screened from adjacent lots and streets.

7. Unless otherwise approved by Borough Council, no structural alterations of the building exterior shall be made except as may be necessary for purposes of safety, and after conversion the building shall retain substantially the same structural appearance it had before such conversion. Additional entrances or exterior stairways or fire escapes permitted by the Council shall not be located in a wall bordering a street.
  8. A separate entrance shall be provided to each dwelling unit. Entrance shall not be possible through another dwelling unit.
  9. An exit from the building shall be located on each floor which contains a dwelling unit.
  10. The Borough Council shall specify the maximum number of families permitted to occupy such building, and may prescribe such further conditions and restrictions as the Council may consider appropriate.
- c. In reviewing an application, the following items shall be considered:
1. Existing conditions within the neighborhood itself;
  2. Street traffic and patterns;
  3. The adequacy of means of ingress and egress;
  4. The suitability and size of the proposed rooms to be used;
  5. The potential danger of fire and other elements of public safety.

## Section 574. BC AREA, HEIGHT AND YARD REGULATIONS

The following regulations shall be observed unless otherwise required by this Ordinance.

All residential uses shall be subject to the same area, height and yard requirements as imposed by the R-6 Urban Residential District, Section 420 of this Ordinance.

### Maximum Permitted

Building Height	30 Feet
Floor Area Ratio	0.8
Lot Coverage	40 Percent
Paved Area	30 Percent

### Minimum Requirements

Highway Frontage	40 Feet
Lot Size	
Per construction site	10,000 square feet
Per unit of use	2,500 square feet
Open Area	40 percent
Setback	
For building setback line	20 feet
For improvement setback line	10 feet
Yard Requirements	



Side yard per side	8 feet
Rear yard	25 feet

**Section 575. PERFORMANCE STANDARDS**

1. The following regulations shall be observed.
2. No glare created by a use shall extend beyond the lot lines.
3. All uses shall be conducted within a building.
4. No noise emanating from a use in this district shall continually exceed the level of ordinary conversation at the lot lines.
5. No waste materials shall be stored on the lot.
6. No potentially dangerous effluent from operations shall be discharged.
7. No operations shall be permitted which constitute a danger to the community.
8. No unpacked goods shall be sold for consumption on premises outside a building.
9. No smoke from operations shall be permitted.
10. No offensive odors shall be perceptible beyond the lot lines.
11. All storage shall be completely screened from view from any public right-of-way and any residential use.
12. No sign fencing shall be readable from the rear of the property.
13. No activities of skilled tradesmen shall be conducted between 8:00 p.m. and 8:00 a.m.
14. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
15. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.
16. New and /or expanded businesses and conversions must apply for a permit per the requirements of Section 801.

**Section 576. GENERAL REGULATIONS APPLICABLE**

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

## ARTICLE VI - GENERAL REGULATIONS

### Section 600. COMPLIANCE WITH OTHER BOROUGH REGULATIONS

In addition to complying with the requirements of this Ordinance, the requirements of all other Borough Ordinances and regulations, including but not limited to the Borough Subdivision and Land Development Ordinance, shall be applicable.

### Section 601. ACCESS TO STRUCTURES

Every building and structure hereafter erected or moved, except a structure related to public sanitary sewer and water systems, shall be on a lot adjacent to a public street or a private street approved by the Borough Council, or on a lot for which a legally recorded right of access to a public street or approved private street existed prior to the effective date of this Ordinance. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Borough Council. For the purposes of this Section, a service street (alley) shall not constitute a public street or highway.

In the case of a lot to be used for a single family dwelling, no more than one principal building shall be erected on that lot.

In the case of lots used for other purposes, more than one (1) structure housing a permitted or permissible principal use may be erected on a lot, provided that the lot size, yard and other requirements of the zoning district shall be met for each structure as though it were on an individual lot, unless otherwise permitted by this Ordinance.

### Section 602. ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. General. The following general regulations shall apply to residential accessory structures, regardless of Zoning District:
  - a. No accessory building or structure shall be permitted within any required front or side yard. Where a greater setback is required below, such greater setback shall apply. In the case of a lot on which a principal building existed on the effective date of this Ordinance, an accessory building thereto may be located closer to a side lot line than permitted above, provided that the accessory building is situated to the rear of the principal building and is not located closer to the side lot line than the principal building.

On any lot on which a principal building existed at the effective date of this Ordinance, an accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than that principal building.
  - b. No permanent building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.
  - c. No accessory use shall be permitted which creates a public nuisance or interferes with the use of adjoining lots.

Nothing in this section shall limit other uses not mentioned so long as they are accessory to the residential use of the land, are temporary in nature, and do not create a threat to the public health, safety, and/or welfare of the community.

No commercial or industrial activities shall be permitted, except those permitted by the Home Occupation Regulations of this Ordinance.

2. Use Regulations. The following specific use regulations shall apply to residential accessory uses, regardless of Zoning District:
  - a. Animal Shelters
    1. No structure shall be permanently affixed.
    2. No structure shall be attached to or be part of any other building.
    3. No structure shall be located within four feet (4') of any lot line.
    4. No structure shall be permitted between the building setback line and the street line nor within a required side yard.
  - b. Detached Garage
    1. Maximum height – twenty feet (20').
    2. Maximum length – thirty feet (30').
    3. Maximum width – thirty-two feet (32').
    4. No temporary structures shall be permitted.
    5. No structure shall be within ten feet (10') of any service street, alley, or rear lot line, except that in R-6 and R-10 Zoning Districts no structure shall be within two feet (2') of any service street, alley, or rear lot line.
    6. No structure shall be permitted between the building setback line and the street line nor within a required side yard.
  - c. Greenhouse
    1. No structure shall be permitted between the building setback line and the street line nor within a required side yard.
    2. No structure shall be located within four feet (4') of any lot line.
  - d. Sheds and Other Outbuildings
    1. Maximum height – ten feet (10').
    2. No structure shall be attached to another building.
    3. No structure shall be within four feet (4') of any lot line.
    4. No structure shall be permitted between the building setback line and the street line nor within a required side yard.
  - e. Swimming Pool  
SEE SECTION 628
  - f. Tennis Court
    1. No facility shall be permitted unless it is protected by a permanent fence

ten feet (10') in height behind each baseline extending ten feet (10') beyond the playing area in each direction.

2. No facility shall be permitted within ten feet (10;) of any lot line.
3. No facility shall be located between the building setback line and the street line nor within a required side yard.

g. Apartment and Townhouse Accessory Uses

Shall be restricted to uses designed solely for residents of the apartment and townhouse units. One (1) office per project for the purposes of administering and renting dwelling units shall be permitted. One (1) "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.

h. Keeping of Animals

The keeping of a domestic farm animal(s), such as a horse, pig, goat, cow, steer, sheep, buffalo, or other large animals such as llamas, shall not be considered a permitted accessory use.

Animals or fowl shall not be kept as part of a commercial operation.

i. Satellite/Microwave Dish Antennae

1. Dish antennae twenty-four inches (24") in diameter or smaller may be mounted anywhere on a building and in any number, subject to applicable UCC building code regulations.
2. Dish antennae over twenty-four inches (24") in diameter are subject to the following constraints:
  - a. Free standing dish antennae:
    1. Comply with the location and setback requirements for accessory structures in the applicable Zoning District
    2. Total height
  - b. Such devices shall not be roof mounted
  - c. Such devices shall not be placed in any required setback area.
  - d. Such devices must be located to the rear of the dwelling unit on any residential lot.
  - e. No dish antenna on a residential lot shall exceed an overall height of eighteen feet (18') above the ground or an overall diameter of twelve feet (12').
  - f. No more than one (1) dish antenna is permitted per building

j. No agricultural uses shall be permitted except individual gardens for home consumption. The maximum size of any such garden shall not exceed one-half (1/2) of the minimum required open area permitted by the applicable Zoning District.

3. General – The following general regulations shall apply to nonresidential accessory structures, regardless of Zoning District:
  - a. No building or structure shall be located within any required front, rear, or side yard.
4. Use Regulations. The following specific use regulations shall apply to nonresidential accessory uses, regardless of Zoning District: Accessory uses shall be limited to use by employees only.
  - a. Storage – When storage outside buildings is permitted within a zoning district, no storage shall be permitted within front and side yards. Outdoor storage of materials shall be screened from view from adjoining properties and streets.
    1. Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises, subject to requirements of the prevailing zoning district.
    2. All storage areas shall have direct access to a driveway.
    3. Tractor trailer trucks shall not be used for storage and/or sales of materials.
  - b. Shopping Cart Storage – If any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations in the parking area.
  - c. Trash Containers – All trash and rubbish shall be kept in containers and stored in a permanent enclosure, which completely encloses the containers.
5. Placement of Pre-Fabricated Storage Sheds – Pre-fabricated storage sheds, less than one thousand (1,000) square feet in size, shall be adequately anchored and placed on a level foundation of six inches (6") ASHTO #57 aggregate or in a manner acceptable to the Borough Zoning Officer.
6. Foundations for all constructed on site storage sheds or detached garages, that are greater than five hundred (500) square feet, shall be constructed in one (1) of the following manners, subject to the approval of the Borough Zoning Officer, unless the Zoning Office approves an alternative design:
  - a. Concrete footing twenty-four inches (24") high by eight inches (8") thick, the bottom of which is to be a minimum of thirty-six inches (36") below the grade with a concrete or concrete block wall (minimum 8" thick) four (4) courses high to grade on top of the concrete. The sheds shall be bolted to the foundation with one-half inch (1/2") diameter anchor bolts at thirty-six inches (36") on center.
  - b. Concrete slab on grade. This slab shall be a minimum of four inches (4") thick unless otherwise approved by the Zoning Officer and shall be placed on a 4" thick crushed stone base. The shed shall be bolted to the slab with one-half inch (1/2") diameter anchor bolts at thirty-six inches (36") on center. The slab shall be reinforced with #4 rebar at 12" C.C. in each direction or with 6 x 6 x 10/10 W.W.F.
  - c. Concrete grade beam. The concrete grade beam shall be eight inches (8") thick and thirty inches (30") deep and shall be reinforced with #4 rebar at twelve inches (12") C.C. horizontally and #4 rebar at thirty-six inches (36") C.C. vertically. The shed shall be anchored to the grade beam with one-half inch (1/2") diameter anchor bolts at thirty-six inches (36") C.C. A slab on grade poured

inside of the grade beam is optional.

## Section 603. PROJECTIONS INTO YARDS

1. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or building coverage:
  - a. Terraces, patios or open porches provided that such terraces, patios or open porches are not roofed or enclosed by any wall exceeding thirty-six inches (36") in height, are not closer than four feet (4') to any lot line (except a lot line which is the projection of a party wall), do not project into any required front yard, and do not have a width which exceeds one-half (1/2) of the lot width measured at the building setback line.
  - b. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys, and window sills, provided that all such features shall project no more than five feet (5') into any required yard, and shall not be located closer than four feet (4') to any lot line (except lot lines which are the projection of party walls). The length of projecting bay windows and window sills shall not be more than one-half (1/2) of the length of the side of the building from which they project.
  - c. Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'6") in height, do not project more than five feet (5') into any required yard, and are not located closer than four feet (4') to any lot lines (except lot lines which are the projection of party walls).

## Section 604. LANDSCAPING

1. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting, unless approval power is otherwise designated by this Ordinance. The type and density of planting shall adequately provide the required screening effect year-round.
2. Plant materials used in screen planting shall be at least five feet (5') in height when planted and shall be of such species and size as will produce, within three (3) years, a complete year-round visual screen of at least eight feet (8') in height.
3. The screen planting shall be maintained permanently and plant material which does not live shall be replaced within one (1) year.
4. Plantings shall be placed so they will not infringe upon street right-of-way lines and property lines upon maturity.
5. Screen plantings shall be broken only at points of vehicular or pedestrian access.
6. When required by District Regulations, a liberal and functional landscaping plan shall be prepared. In particular:
  - a. Access drives and common parking areas shall be provided with shade trees which are of an appropriate size and character.
  - b. Open space adjacent to buildings, areas between buildings and border strips along the sides of pedestrian walkways shall be graded and seeded to provide a thick stand of grass or other plant materials.

- c. Approaches and entrance areas to buildings shall be provided with trees and attractive shrubbery.
- d. Areas not used for buildings, drives, loading and parking space shall be seeded or landscaped and shall be kept in attractive condition.
- e. Natural features such as wooded areas shall be preserved and incorporated into the design of the development.

## Section 605. OUTDOOR LIGHTING

### 1. Applicability

- a. Outdoor lighting shall be required for safety and personal security for uses that operate or have activity during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: residential developments containing lot sizes of less than twenty thousand (20,000) square feet, residential developments of greater than ten (10) lots, multi-family residential developments, commercial, industrial, municipal, recreational and institutional.
- b. The Borough may require lighting be incorporated for other uses or locations or restrict lighting in any of the above uses, when deemed necessary to accomplish the purposes of this Ordinance.
- c. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, recreational and residential lighting.
- d. Temporary decorative lighting may be exempted from the requirements of this Ordinance when approved by the Borough for periods of short duration.

### 2. Criteria

#### a. Lighting Fixture Design

- 1. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Borough.
- 2. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, loading areas, and parking areas, fixtures, whether free-standing, wall mounted, or any other type, shall be aimed straight down and shall meet IESNA full-cutoff criteria.
- 3. Where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.
- 4. The use of floodlighting, spotlighting, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres, lanterns and other fixtures not meeting IESNA full-cutoff criteria, shall be permitted only with the approval of the Borough, based upon acceptable justification and achievement of adequate glare control.
- 5. NEMA-head fixtures, a.k.a. "barn lights" or "dusk-to-dawn lights," shall not

be permitted where they are visible from other uses, unless fitted with a reflector or shield to render them full cutoff.

b. Illumination Levels

1. Lighting, where required or permitted by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook or separately in IESNA Recommended Practices.
2. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Borough.
3. Examples of intensities for typical outdoor applications, as extracted from the Lighting Handbook, are presented on the next page but are not all inclusive.

Use/Task	Maintained Foot-candle	Uniformity Ratio
(a) Streets, local commercial Streets, local residential	0.9 Avg. 0.4 Avg.	6:1 Avg:Min 4:1 Avg:Min
(b) Parking, multi-family residential, • Low vehicular/pedestrian activity • Medium vehicular/pedestrian activity	0.2 Min. 0.6 Min.	4:1 Avg:Min* 4:1 Avg:Min*
(c) Parking, industrial/commercial/institutional/municipal • High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events. • Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events • Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking	0.9 Min.  0.6 Min.  0.2 Min.	4:1 Avg:Min*  4:1 Avg:Min*  4:1 Avg:Min*
(d) Sidewalks, walkways, and bikeways • Commercial • Residential	1.0 Avg. 0.5 Avg.	5:1 Avg:Min 5:1 Avg:Min
(e) Building entrances, commercial, industrial, institutional	5.0 Avg.	--
(f) Service Station Pump Islands	20.0 Avg.	4:1 Avg:Min
(g) Car Dealerships	20.0 Max.	5:1 Max:Min

Notes: 1. Illumination levels are maintained horizontal foot-candles on the task, e.g., pavement or area surface.

2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. e.g., for high activity commercial parking, the average illuminance shall not exceed 3.6 footcandles (0.9 x 4).

\* In no case shall the maximum to minimum uniformity ratio for parking be in excess of 20:1.

c. Control of Nuisance and Disabling Glare

1. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or



reflecting objectionable light onto a neighboring use or property.

2. The use of floodlights and spotlights shall be so installed or aimed that they do not project their output beyond the boundaries of the property on which they are located.
3. Unless otherwise permitted by the Borough, e.g., for safety or security or businesses that operate all night, lighting for commercial, industrial, municipal, recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 11:00 p.m. and dawn to mitigate light trespass, nuisance glare and sky-lighting consequences.
4. Lighting proposed for use after 11:00 p.m., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial, institutional or municipal applications, shall be reduced by at least fifty percent (50%) from then until dawn, unless supporting a specific purpose and approved by the Borough such as in the case of businesses that operate all night.
5. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.
6. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
7. In no case shall the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 vertical foot-candle. The amount of illumination cast onto any non-residential property from another property shall not exceed one (1.0) vertical foot-candle.
8. Lighting fixtures for externally illuminated signs and billboards shall be automatically extinguished between the hours of 11:00 p.m. and dawn except as specifically approved by the Borough for sign lighting on the premises of all-night commercial operations. All such fixtures shall be so designed or fitted to concentrate the light output onto and not beyond the sign or billboard. No direct beams of light shall be directed toward adjacent properties or public roads.
9. Directional fixtures, e.g., floodlights or spotlights, shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11:00 p.m. and dawn, except for lighting of the American Flag. Such lighting shall not project onto another property.
10. the use of strobe lighting for tall structures such as smokestacks, chimneys and radio, communications or television towers is prohibited during hours of darkness, except as specifically required by FAA.

d. Installation

1. Poles supporting lighting fixtures for the illumination of parking areas shall be placed a minimum of five feet (5') outside paved area, curbing or tire stops, or on concrete pedestals at least thirty inches (30") high above the pavement, or suitably protected by other approved means.
2. Except as specifically approved by the Borough, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty feet (20') above finished grade. Fixtures not meeting IESNA "cutoff" criteria, when specifically approved by the Borough, shall not be mounted in excess of sixteen feet (16') above grade.

e. Maintenance

1. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

f. Street lighting for residential applications

1. Where required in this or other ordinances for residential uses, lighting shall be provided as follows:
  - a. At the intersection of entrance roads to the development with a public road.
  - b. At the intersection of public roads within the development with development interior roads.
  - c. Along the longest cul-de-sac bulb radius.
  - d. At terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects, e.g., signs, not having a breakaway design.
  - e. At defined pedestrian crossings located within the development.
  - f. The types of street lighting fixtures shall be approved by the Borough.

g. Plan Submission.

1. For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Borough for review and approval with any preliminary or final subdivision/land-development plan application and with any conditional use, special exception, variance application or building permit where applicable, and shall include:
  - a. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.
  - b. ten feet by ten feet (10'x10') illuminance-grid (point-by-point) plot

of maintained foot-candles, carried out to 0.0 foot-candles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.

- c. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods. A pole foundation detail is to be provided on the plan.
2. When requested by the Borough, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass.
  3. The following notes shall appear on the lighting plans:
    - a. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.
    - b. The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Borough.
- h. Compliance Monitoring
1. Safety Hazards
    - a. If appropriate officers or agents of the Borough judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action within a specified time period.
    - b. If appropriate corrective action has not been effected within the specified time period, the Borough may commence legal action as provided in this Ordinance.
  2. Nuisance Glare and Inadequate Illumination Levels
    - a. When appropriate officers or agents of the Borough judge an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action within a specified time period.
    - b. If the appropriate corrective action has not been effected within the specified time period, the Borough may commence legal action as provided in this Ordinance.

## Section 606. SIGNS

## 1. General Regulations for All Signs

- a. **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 feet (3') 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.
- b. **Location/Projection of Signs:**
  1. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
  2. For all uses, an advertising sign and a business sign must be at least sixty feet (60') apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five feet (75') of any Residential Zone.
  3. No sign shall project over a public sidewalk area or over a public highway or street unless specifically authorized by other Borough or State regulations.
  4. No sign shall project more than thirty-five feet (35') above the ground.
- c. **Illumination of Signs:**
  1. Flashing, rotating, animated, and intermittent lights are permitted only in the C-5 Zone within the Borough. No flashing, rotating, animated, or intermittent lights, or signs with red, amber, and green light configurations that simulate traffic control signals are permitted.
  2. Signs permitted in the Residential Zones shall be illuminated only by indirect lighting and shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.
  3. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence, or so it does not obstruct the vision of motorists. No spotlights or floodlights shall be higher than fifteen feet (15') above ground level.
  4. 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 two hundred feet (200') of a highway traffic light or similar safety device or from the center of any street intersection.
- d. **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.
- e. **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 and/or door, 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 or door area. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.

- f. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
  - g. Termination of Enterprise: Upon termination or abandonment of a use in any district, all signs pertaining to the enterprise must be removed within thirty (30) days of such termination.
  - h. A zoning permit must be obtained, per Section 801, prior to erecting a sign.
2. 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.
3. 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.
4. Advertising Signs: Advertising signs shall be permitted in the Commercial Zones subject to the provision of subsection A and the following criteria:
- a. No advertising sign shall exceed an overall size of three hundred (300) square feet, nor exceed thirty-five feet (35') in height.
  - b. No advertising sign or billboard shall be located within five hundred feet (500') of another advertising sign.
  - c. All advertising signs shall be a minimum of fifty feet (50') from all side and rear property lines.
  - d. All advertising signs shall be set back a minimum distance from the street right-of-way line that is equal to the height of the sign or ten feet (10'), whichever is greater. Where the top of the sign is level that is perpendicular to a vertical plumb line, the height of the sign shall be determined by measuring the distance from ground level to the highest point on the sign nearest the street right-of-way. In cases where the top of the sign is slanted or of irregular elevation, the minimum required setback from the street right-of-way shall be equal to the distance from the highest point of the sign to the ground level.
  - e. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.
5. Portable Signs: Portable signs shall be permitted in Commercial or Industrial Zones subject to the following requirements:
- a. A sign permit must be obtained from the Borough zoning officer.
  - b. The sign may be illuminated only by indirect lighting.
  - c. The placement of such signs shall not interfere with traffic or sight distance at street intersections or access to a public right-of-way.
  - d. No portable signs shall contain changeable copy.

## 6. Prohibited Signs

It shall be unlawful for any person, firm or corporation to erect any sign in the Borough unless it is specifically permitted in this Section. Unlawful signs include, but are not limited to:

- a. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
- b. Signs attached to rocks, utility poles, traffic signposts, traffic signal or control devices, street signs, or historical markers.
- c. Signs attached to trees, shrubs or any living vegetative matter.
- d. Any sign, outside of a Commercial Zone, which advertises or publicizes an activity or business not conducted on the premises, except civic event signs.
- e. Signs erected without the permission of the property owner or authorized agent.
- f. Signs that create hazards to operators of vehicles and pedestrian traffic. Signs which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
- g. Flashing, rotating, animated, and intermittent signs, other than in the C-5 Zone, subject to the restrictions of this Section.
- h. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
- i. Signs or lettering on vehicles parked for extended periods of time to circumvent the regular sign regulations.
- j. Abandoned signs.
- k. Signs that exhibit statements, words or pictures of obscene or pornographic subjects.
- l. Roof signs.
- m. Wall signs that cover windows or architectural detail.
- n. Pennants.
- o. Signs with reflective backgrounds or elements.
- p. Beacon lights.
- q. National trademark signs and logos of companies other than the business on the premises.
- r. Banners exceeding in size more than ten percent (10%) of the façade of the structure on which they are used. Banners used for more than thirty (30) days unless permission is secured from the Borough.
- s. Banners suspended over roadways, public driveways, or access drives.

## 7. Exempt Signs

No sign shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Code Enforcement Officer for such purposes, except for signs listed below:

- a. Signs used by churches, synagogues, governmental bodies, schools or civic organizations.
- b. Construction signs of thirty-two (32) square feet or less
- c. Directional/informational signs of twelve (12) square feet or less
- d. Holiday or special events decorations
- e. Nameplates, house numbers, address signs
- f. Political signs
- g. Public signs or notices, or any sign relating to an emergency
- h. Real estate signs
- i. Window signs
- j. Incidental signs
- k. Temporary signs as permitted
- l. Any other sign, which does not exceed twelve (12) square feet in area
- m. Traffic control signs

The fact that a permit is not required for a sign does not exempt that sign from any of the provisions of this Ordinance.

#### 8. Regulation of Legally Nonconforming Signs

Signs on the premises of legally nonconforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued, subject to the regulations of this Section.

- a. If a legally nonconforming sign lists more than one business, new businesses may be added without affecting the non-conforming status of the sign. However, the sign may not be altered in any way that extends the sign's nonconformity in any manner.
- b. Nothing in this Section shall relieve the owners or users of legally non-conforming signs, or the owners of the property on which legally non-conforming signs are located, from any provisions of this Section regarding the safety, maintenance, and repair of signs.
- c. Should fifty percent (50%) or more of any legally nonconforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this Section.
- d. Any business that has closed shall remove any signs associated with the business within sixty (60) days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the sixty (60)-day

period.

- e. The existence of a legally nonconforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on the premises, if the new sign meets the requirements of this Section. However, the total number of signs and the size and area of the signs shall not exceed the requirements of this Section.
- f. A legally non-conforming sign shall immediately lose its legally nonconforming designation if the sign is altered in any way. At that point, the sign shall be immediately brought into compliance with this Section and a new permit secured, or the sign shall be removed.



CHART A - PERMITTED PERMANENT SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Building (Attached sign)	Zones Permitted
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 societies and the like.	1 free-standing and/or 1 attached	20 sq. ft. per lot (total)	15 ft.	Height of building	10 ft.	12 in.	Where use is permitted
P-3: Nameplates identifying owner or resident of private property (excludes mailboxes)	1 per dwelling unit	2 sq. ft. per sign	5 ft.	-	6 ft.	12 in.	All
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	-	-	6 ft.	12 in.	All
P-5: On-site directional signs	2 per street frontage used as access	2 sq. ft. per sign	2 ft.	Height of building	6 ft.	12 in.	All
P-6: Off-site directional signs	1 per lot	2 sq. ft.	2 ft.	Height of building	3 ft.	12 in.	All with permission of land-owner on whose land sign is placed. Not on traffic or utility poles.

**CHART A - PERMITTED PERMANENT SIGNS**

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Building (Attached sign)	Zones Permitted
P-7: Identification sign for a residential subdivision or multi-family development	1	20 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	1 per street Frontage	50 sq. ft.	10 ft.	-	Height of Building	-	Where use is Permitted
P-8B: Attached business sign	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	1 per street Frontage	300 sq. ft.	15 ft.	-	Height of Building	-	Commercial / Industrial
Note: Individual stores or businesses are prohibited from having individual freestanding signs when located as part of a complex							
P-9B: Attached business sign for complex	1 per street frontage	50 ft. sq.	-	Height of building	-	12 in.	Commercial / Industrial
P-9C: Attached business sign for individual stores or businesses within a complex	1 per store or Business	10 sq. ft.	-	Height of building	-	12 in.	Commercial / Industrial
P-10: Advertising Sign (see subsection D)							Commercial

## 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 Building (Attached 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	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
<u>SIGN TO BE REMOVED UPON COMPLETION OF WORK OR OCCUPANCY OF THE BUILDING WHICHEVER COMES FIRST</u>							
T-2: Real estate signs on individual properties that are for sale, rent or lease, or which have been sold, rented or leased	1 per street frontage of the lot	6 sq. ft. per sign	-	Height of building	10 ft.	12 in.	All
<u>SIGNS TO BE REMOVED WITHIN ONE WEEK OF SALE, RENT OR LEASE AGREEMENT</u>							
T-3: Signs announcing proposed housing developments, apartment complexes, or commercial, industrial or other nonresidential development	1 per street frontage	20 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	Where use is permitted and development approved.
<u>SIGNS TO BE REMOVED UPON 90% COMPLETION OF DEVELOPMENT OR WITHIN ONE YEAR OF ERECTION OF THE SIGN WHICHEVER OCCURS FIRST</u>							
T-4: Signs advertising the TEMPORARY sale of agricultural and horticultural products	1 per lot	6 sq. ft. per sign	-	Height of building	6 ft.	12 in.	All
<u>WILL BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE</u>							
T-5: Temporary Directional signs.	-	6 sq. ft. per sign	2 ft.	Height of building	3 ft.	12 in.	All, with permission of landowner on which sign is placed. <b>Not on traffic or utility poles.</b>
<u>NOT TO EXCEED ONE WEEK OF PLACEMENT</u>							
T-6: Signs announcing grand openings, new ownership, change of use, etc., on the site of the permitted use	1 per lot (attached or free-standing)	20 sq. ft. per sign	30 ft. or building face	Height of building	10 ft.	12 in.	All, where use is permitted
<u>NOT TO EXCEED 30 DAYS OF PLACEMENT</u>							

## 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 Building (Attached sign)</u>	<u>Zones Permitted</u>
<b>T-7: Temporary signs announcing a special event not normally associated with a location or a location's use (does not include yard/garage sales or special business promotion sales)</b>							
T-7A: On the site of the event.	1 per frontage	20 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All
<b>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 7 DAYS FOLLOWING THE CONCLUSION OF THE EVENT</b>							
T-7B: On a location away from the site of the Event	-	6 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed. <b>NOT ON TRAFFIC OR UTILITY POLES</b>
<b>NOT TO EXCEED 7 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT</b>							
T-8: Signs for a political election	-	6 sq. ft.	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the landowner on which the sign is placed. <b>NOT ON TRAFFIC OR UTILITY POLES.</b>
<b>SIGNS LOCATED ON PUBLIC PROPERTY OR RIGHT-OF-WAY SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 10 DAYS FOLLOWING THE PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER</b>							
T-9: Sidewalk sign for a commercial business	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.	-	Commercial
<b>SHALL BE DISPLAYED ONLY DURING NORMAL BUSINESS HOURS</b>							
T-10: Portable Business Signs	1 per business or street frontage (a minimum of 75 feet must be maintained between signs)	36 sq. ft.	May be placed within street right-of-way, but not on a public sidewalk or between such sidewalk and the edge of the roadway	-	6 ft.	-	Commercial / Industrial
<b>WILL NOT BE DISPLAYED MORE THAN ONCE A MONTH FOR A MAXIMUM OF 7 CONSECUTIVE DAYS (See subsection 407C)</b>							

## Section 607. CONTROL OF STREET ACCESS

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such parking, loading or storage areas.
2. Acceleration and deceleration lanes shall be provided by the developer when required by the Borough or the Pennsylvania Department of Transportation.

## Section 608. LOADING AREAS

1. Paved off-street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, industry, warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5') of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.
2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use. When a permit is applied for, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Ordinance.
3. All areas for off-street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas.
4. All areas used for loading shall be thoroughly compacted. All unsuitable sub-grade materials shall be removed and wet areas permanently drained and stabilized. Fills shall be made with suitable materials and thoroughly compacted in uniform layers. Backfill of trenches shall be thoroughly compacted. Once paved, the area shall be kept graded and maintained so that no ponding will occur and no holes will be present.

## Section 609. OFF-STREET PARKING

1. In all zoning districts, off-street parking facilities shall be provided whenever:
  - a. A building is constructed, converted, or a new use is established.
  - b. The use of an existing building or a lot is changed to a use requiring more parking facilities.
  - c. An existing building or use is altered so as to increase the amount of parking spaces required.

2. Each parking space shall have minimum dimensions of nine feet by eighteen feet (9' X 18'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be ten feet by twenty-two feet (10' X 22').
3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within two hundred feet (200') of the building served, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
4. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not produce a glare noxious at or beyond the boundaries of the parking area.
6. All parking spaces shall be suitably prepared for use by motor vehicles. All common parking areas and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The grade of common parking areas shall not exceed six percent (6%), and the grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other lots.
7. Areas necessary to fulfill the off-street parking requirements of this ordinance shall be used solely for that purpose.
8. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
9. The width of aisles in parking areas shall be no less than listed in the following table:

<u>Aisle Width</u>		
<u>Angle of Parking</u>	<u>One Way</u>	<u>Two Way</u>
90°	20'	25'
60°	18'	Not Permitted
45°	15'	Not Permitted
30°	12'	Not Permitted

10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4<sup>th</sup>) may be disregarded and any fraction one-fourth (1/4<sup>th</sup>) or greater shall necessitate the provision of a full parking space.
11. Parking areas for nonresidential uses shall be designed such that vehicles will not have direct access from a parking space into a public street.
12. The design of parking areas shall be such to prevent to the greatest extent possible the stack-up of vehicles on a public street at entrance to parking areas.

13. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage. Where benches are provided, each two (2) lineal feet of bench shall equal one (1) seat.
14. Parking areas shall be arranged and constructed so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.
15. Parking areas for nonresidential uses which are designed to contain more than four (4) vehicles shall be screened from the view of any lands zoned R-3, R-4, R-6, R-8 and R-10 which are adjacent to the land on which the nonresidential parking area is located.
16. Parking areas and access drives for nonresidential uses shall be located a minimum of ten feet (10') from a street right-of-way line or lot line, unless otherwise specified in this Ordinance, and the area between the parking area of access drive and the lot line or street right-of-way line shall be landscaped. Such parking areas shall be located a minimum of ten feet (10') from any side or rear lot line and the area between such shall be landscaped.
17. Maneuvering areas at least ten feet (10') in depth shall be provided to facilitate leaving the end spaces in parking areas.
18. For purposes of traffic channelization, definition of parking areas, and the reduction of visual monotony, an area equivalent, at minimum, to ten percent (10%) of all surface parking areas and aisle ways shall be devoted to interior parking lot vegetative cover. Such areas shall be in addition to any other landscaping or buffering requirements of this Ordinance.  
  
To further assist in traffic channelization, when there is more than one double row of parking spaces in the interior (not along the perimeter) of a parking lot, raised islands shall be placed at the ends of parking bays, such that the end of the bay adjacent to a driving aisle or road is clearly delineated. The island surface, preferably covered with vegetative material, shall be designed so as not to impair visibility needed for traffic flow and turning movements.
19. All areas for off-street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking areas.
20. All areas used for parking shall be thoroughly compacted. All unsuitable subgrade materials shall be removed and wet areas permanently drained and stabilized. Fills shall be made with suitable materials and thoroughly compacted in uniform layers. Backfill of trenches shall be thoroughly compacted. Once paved, the area shall be kept graded and maintained so that no ponding will occur and no holes will be present.
21. For industrial uses, the number of employees for which parking spaces are to be provided shall coincide with the number of employees provided for in the Pennsylvania Department of Labor and Industry application and regulations (State permit).
22. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. One (1) parking space shall be provided per company vehicle to be parked on the premises. Parking spaces required to meet ADA standards shall not count toward the minimum number of off-street parking spaces. Minimum off-street parking requirements shall be as follows, unless otherwise established in this Ordinance:

a.	Residential Uses	Three (3) parking spaces per dwelling unit, not to include garage
b.	Restaurant, Tavern or Similar Use	One (1) space for each three (3) seats plus one (1) space for each employee on the premises at one time. For restaurants with no indoor seating, one (1) space for each one thousand (1,000) square feet of lot area.
c.	Retail and Service Establishments	One (1) space for each two hundred (200) square feet of gross floor area.
d.	Office Buildings	One (1) space for each two hundred (200) square feet of gross floor area.
e.	Medical, Dental and Paramedical Offices and Clinics	One (1) space per employee plus five (5) spaces for each person engaged in practice.
f.	Nursing Home, Personal Care Facilities and Similar Uses	One (1) space per employee on the premises at one time plus one (1) space for each four (4) beds.
g.	Funeral Home	One (1) space for each three (3) seats plus one (1) space per employee on the premises at one time.
h.	Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place Of Public Assemblage	One (1) space for each three (3) seats plus one (1) space per employee on the premises at one time.
i.	Library or Museum	One (1) space per three hundred (300) square feet of gross floor area
j.	Nursery Schools and Day Care Centers	One (1) space per employee plus one (1) space for loading and unloading of children for each six (6) children accommodated in the school.
k.	Elementary, Middle and Junior High Schools	One (1) space per employee plus one (1) space per two (2) classrooms plus one (1) Space per two (2) offices or One (1) space per employee plus one (1) space per ten (10) students plus main assembly room (one (1) space per three (3) seats
l.	High Schools	One (1) space per employee plus one (1) space per three (3) students plus main assembly room (one (1) space per three (3) seats
m.	Motel or Hotel	One (1) space for each rental unit, plus



		one (1) space for each employee
n.	Motor Vehicle Service Station or Repair Service	Two (2) parking spaces per service bay, plus one (1) space per employee
o.	Bowling Alley	Five (5) spaces per alley, plus one (1) space for each employee
p.	Indoor Recreational Facility or Place of Amusement	One (1) space per fifty (50) square feet devoted to patron use
q.	Industrial, Wholesaling or Warehousing Establishment, Laboratory, Research Center	One (1) space per employee on the premises at one time, or one (1) space per one thousand (1,000) square feet of gross floor area, whichever results in more parking spaces
r.	Barber Shop or Beauty School	One (1) space per employee, plus two (2) spaces for each person engaged in practice
s.	Commercial School	One (1) space per employee, plus two-thirds (2/3rds) space per student

For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

23. The number of ADA accessible parking spaces shall meet the following guidelines:
- a. One (1) ADA accessible space for lots having one (1) to twenty-five (25) spaces
  - b. Two (2) ADA accessible spaces for lots having twenty-six (26) to fifty (50) spaces
  - c. Three (3) ADA accessible spaces for lots having fifty-one (51) to seventy-five (75) spaces
  - d. Four (4) ADA accessible spaces for lots having seventy-six (76) to one hundred (100) spaces
  - e. Five (5) ADA accessible spaces for lots having one hundred one (101) to one hundred fifty (150) spaces
  - f. Six (6) ADA accessible spaces for lots having one hundred fifty-one (151) to two hundred (200) spaces
  - g. Seven (7) ADA accessible spaces for lots having two hundred one (201) to three hundred (300) spaces
  - h. Eight (8) ADA accessible spaces for lots having three hundred one (301) to four hundred (400) spaces
  - i. Nine (9) ADA accessible spaces for lots having four hundred one (401) to five hundred (500) spaces
  - j. Two percent (2%) of the total number of spaces for lots having five hundred one (501) to one thousand (1,000) spaces

- k. Twenty (20) ADA accessible spaces plus one (1) ADA accessible space for every one hundred (100) spaces over one thousand (1,000) spaces for lots of one thousand one (1,001) spaces and over
  - l. One (1) in every six (6) ADA accessible parking spaces, but not less than one (1), shall be designated as van accessible.
  - m. When only one (1) ADA accessible parking space is required, that space shall be designated as van accessible
24. ADA accessible parking spaces shall be the spaces closest to the nearest accessible entrance to the building served by the parking lot.
25. Each ADA accessible parking space shall have the appropriate signs erected at the front of the space. One (1) set of signs shall be required for every space. All signs shall conform to PennDot and ADA regulations.
26. The signs shall be mounted on a secure post. The signs required are:
- a. Standard ADA accessible parking space
    - 1. Mounted on top: "Reserved Parking" (R7-8) sign
    - 2. Mounted on bottom: "Violators Subject to Fine and Towing, Min Fine \$50 and Max. Fine \$200 (R7-8B) sign
    - 3. Sign Mounting Height: five feet (5') above ground level for bottom sign
  - b. Van ADA accessible parking space
    - 1. Mounted on top: "Reserved Parking" (R7-8) sign
    - 2. Mounted in middle: "Van Accessible" (R7-8A) sign
    - 3. Mounted on bottom: "Violators Subject to Fine and Towing, Min Fine \$50 and Max. Fine \$200 (R7-8B) sign
    - 4. Sign Mounting Height: four feet (4') above ground level for bottom sign
27. Each ADA accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.
28. The Van accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle eight feet (8') wide minimum with diagonal white lines.
29. Each ADA accessible parking space shall have a length identical to the adjacent non-ADA accessible parking spaces in the same parking aisle or parking area.
30. All ADA accessible parking spaces shall be identified by painting the pavement surface handicap blue in color, outlined with white lines.
31. All ADA accessible parking spaces shall be further identified by having the universal handicapped/disabled symbol painted on the blue space. This symbol shall be white in color.

32. All ADA accessible parking spaces and their respective signs shall be regularly maintained to ensure their continued compliance to the law.

## Section 610. DRIVEWAYS

1. The following standards shall apply to all driveways:
  - a. No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street. Provisions subject to approval of the Borough shall be made for drainage at all intersections of driveways with streets.
  - b. Driveway entrances shall not intersect streets at angles of less than seventy-five degrees (75°) nor more than one hundred five degrees (105°).
  - c. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Driveways shall not be located in such a manner that they will cause a hazard to the movement of normal traffic or cause areas of undue traffic congestion on streets or highways.
  - d. The roadway between the right-of-way line of the street and the street cartway shall be paved.
  - e. Driveway grades shall not exceed ten percent (10%), except that driveway grades shall not exceed five percent (5%) within twenty feet (20') of street cartway lines.
  - f. A use with less than one hundred feet (100') of frontage on a public street shall not have more than one accessway to such street. No use shall have more than two (2) accessways to any one (1) street for each five hundred feet (500') of frontage.
  - g. Driveway entrances to State routes shall meet Pennsylvania Department of Transportation requirements.
  - h. Driveway entrance grades shall be such to provide a smooth transition to streets and to provide for proper drainage of the street and driveway.
  - i. No driveway providing parking spaces shall be used as a through street.
  - j. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs.
  - k. At driveway intersections with streets, a clear sight triangle, as specified in Section 615 (1) shall be established for a distance of ten feet (10') from the point of intersection of the cartway lines. In addition, the sight distances at driveways shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies, Section 201.6.16.
2. The following standards shall apply to one way residential driveways:
  - a. The centerline of a driveway entrance or exit into a street from a corner lot on which a single family or two family dwelling is constructed shall be located at least forty feet (40') from the point of intersection of any street cartway lines.

- b. No driveway serving a dwelling shall be located within two feet (2') of any side lot line, except in the case of driveways which adjoin one another or shared driveways.
  - c. Minimum driveway width shall be ten feet (10'), the maximum driveway width shall be twenty feet (20'), and radius of the driveway apron shall be no less than two feet (2') and no more than ten feet (10'), unless otherwise required by the Borough Subdivision and Land Development Ordinance.
3. The following standards shall apply to multi-family and nonresidential driveways:
- a. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

	<u>Width in Feet</u>	
	<u>Minimum</u>	<u>Maximum</u>
One Way	12	24
Two Way	25	36

Each lane provided shall be a minimum of twelve feet (12') in width.

The radius of the edge of the driveway apron shall be at least fifteen feet (15') and no more than thirty-five feet (35'), unless otherwise required by Borough Ordinance.

Provided that along State routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Ordinance, while conforming to the requirements of the Pennsylvania Department of Transportation.

- b. The centerline of a driveway entrance or exit into a street from a corner lot shall be located at least sixty feet (60') from the intersection of any street cartway lines.
- c. Parking lot grades shall not exceed six percent (6%).
- d. No driveway serving a non-residential use shall be located within five feet (5') of any rear or side lot line, provided that a driveway serving a non-residential use shall not be located within ten feet (10') of a rear or side lot line when the adjoining land is located within an R-3, R-4, R-5, R-6, R-8, R-10, RC or BC.
- e. At driveway intersections with streets, a clear sight triangle, as specified in Section 615(1) shall be established for a distance of ten feet (10') from the point of intersection of the cartway lines. In addition, the sight distances at driveways shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies, Section 201.6.16.

## Section 611. STORAGE OR PARKING OF VEHICLES AND MAJOR RECREATIONAL EQUIPMENT

- 1. Automotive vehicles of any type without current license plates and required inspection stickers, shall not be parked or stored on any property within an R-3, R-4, R-5, R-6, R-8, R-10, RC, or RC, or BC District other than in completely enclosed buildings.

In C-1, C-2, C-3, PI, I-1, and I-2 Districts, automotive vehicles or vehicular dwellings of any type without current license plates and required inspection stickers must be parked or stored within completely enclosed accessory buildings, unless the vehicle or vehicular dwellings are for sale at a lawful sales agency dealing in automotive vehicles or vehicular dwellings.

2. No tractor or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or nonconforming use, shall be parked or stored on any property within an R-3 or R-4 District unless it is parked or stored within a completely enclosed building.
3. The above subsections notwithstanding, moving vans, construction vehicles, delivery vehicles, and similar vehicles may be parked temporarily (not to exceed twenty-four (24) hours) within Residential Districts outside completely enclosed buildings during the conduct of business of serving lawful uses within the Districts.
4. No major recreational equipment (including boats and boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment) shall be parked or stored on any lot in a Residential District except in a car port or enclosed building or in a rear yard, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four hours during loading or unloading. No such equipment shall be used for living or housekeeping purposes when parked or stored in any location not approved for such use.

## Section 612 PROHIBITED USES

1. No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.
2. No land or structures in any zoning district shall be used or occupied in any manner that creates any nuisance in a manner or an amount that will adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.
3. No building or structure may be erected within a street right-of-way except for official traffic signs, utility poles, street lights, street signs, U.S. Postal Service mail boxes, and other similar structures approved by the Borough. No decorative pillars, statuary, or gates are permitted within the street right-of-way.

## Section 613. FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance and the improvements are located within one hundred feet (100') of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

## Section 614. FENCES, FREE STANDING WALLS AND HEDGES

1. Except as otherwise provided in this Ordinance, fences, walls, and hedges may be placed within front, rear, and side yards.
2. No fence or free standing wall shall be erected within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.
3. No portion of any hedge or other shrubbery at the time of planting shall be within three feet (3') of any street line or sidewalk, including the line of service streets (alleys). No hedge or other shrubbery shall be permitted to extend over any street line or sidewalk at any time.
4. Fences, walls and hedges shall comply with the Corner Lot Restrictions of this Ordinance, Section 615.
5. In residential districts, the maximum height of any fence or free standing wall along a front lot line shall be four feet (4'). The maximum height of any other permissible fence or free standing wall shall be six feet (6'), unless a greater height is required elsewhere in this Ordinance.
6. Fences shall be constructed of wood, chain link, or similar appropriate materials approved by the Zoning Officer, be of uniform construction, and be constructed in a workmanlike manner.

Any fence may be placed on the property line.

## Section 615. CORNER LOT RESTRICTIONS

1. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing which impedes vision between a height of two and one-half feet (2-1/2') and ten feet (10') above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow, except street signs, traffic lights or signs, utility poles and mail boxes. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the centerlines of the intersecting streets, except that a clear sight triangle of one hundred fifty feet (150') shall be provided for all intersections with arterial highways. In addition, sight distances shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies, Section 201.6.16.
2. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street. A yard opposite the front yard or in the case of a building erected on a lot, the yard opposite the front of the building shall meet the rear yard requirements. The remaining yard(s), shall meet the side yard requirements,

## Section 616. HEIGHT EXCEPTIONS

1. The building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas, antennas, elevator shafts, HVAC systems, and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy. The height of any such projection above its base shall not be greater than the shortest distance from such base to any lot line. HVAC systems placed above roof level shall be completely screened.

## Section 617. STEEP SLOPE CONTROLS

A steep slope is defined to be any area whereon the pre-development slope of the land is fifteen percent (15%) or greater over a horizontal distance of at least fifty feet (50'). Steep slope classification is broken into the following: Category I Steep Slopes which are twenty-five percent (15%) to twenty-five percent (25%) and Category II Steep Slopes which are greater than twenty-five percent (25%). The requirements for both are as follows:

1. Category I Steep Slopes (fifteen percent (15%) to twenty-five percent (25%)):
  - a. No more than fifty percent (50%) of these slopes may be disturbed.
  - b. The Applicant must have a grading plan and an erosion & sedimentation pollution control plan prepared and approved prior to any disturbance to the site and/or obtaining a zoning permit.
  - c. The Applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome.
2. Category II Steep Slopes (Greater than twenty-five percent (25%)):
  - a. No disturbance is allowed on Category II slopes, unless the Applicant obtains a Special Exception to do so.
3. Special Considerations:
  - a. A single family detached dwelling may be constructed on a lot that consists entirely or mainly of Category II Steep Slopes, provided that the following conditions are met:
    1. The Applicant obtains a Special Exception.
    2. The total disturbance area, including but not limited to the building site, driveway, utility lines, sewer/septic systems, wells, infiltration systems and storm water management facilities, shall not exceed ten percent (10%) of the lot area or ten thousand (10,000) square feet, whichever is less.
    3. There shall be a Permanent Conservation Easement established for the remainder of the lot on which Category II Steep Slopes are present.
    4. The Applicant shall submit the methods proposed by a Professional Engineer to preclude any structural and/or foundation problems that may be caused by the steep slope conditions.
    5. The Applicant must have a grading plan and an erosion and sedimentation pollution control plan prepared and approved prior to any disturbance to the site and/or obtaining a zoning permit.
4. Plan Provisions: The following information must be shown on all plans:
  - a. Grading Plans: The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in elevation. All existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, vegetation and natural features shall be shown.

- b. The percentage of tree clearing and proposed impervious coverage in both Categories I and II shall be shown.
  - c. Protection of natural features such as rock outcroppings, topsoil, hilltops, ridge lines and scenic views, shall be shown on the plans.
  - d. Architectural Plans, elevations and sections for proposed buildings to be built on Category II Steep Slopes shall be submitted for review.
5. Woodland Removal on Category II Steep Slopes: The Applicant shall preserve and protect wooded areas on Category II steep slopes so that no more than what is actually needed to construct the proposed improvements is removed, as shown on the grading plan.

## Section 618. STANDARDS FOR PUBLIC UTILITY USES

- 1. A structure or other installation for the purpose of servicing a public utility except common or contract carriers may be located within any zoning district, subject to:
  - a. The public utility shall file a plan with the Borough Manager indicating the location of all existing and proposed structures within the Borough.
  - b. No such facility shall create a danger to the public safety of any resident of the Borough.
  - c. A Special Exception must be received from the Zoning Hearing Board prior to the locating of any building.
  - d. If adjoining land is zoned R-3, R-4, R-5, R-6, R-8 or R-10, all public utility facilities, storage, or activities outside a building, including parking and loading, shall be screened from view from public streets and adjoining lots.
  - e. All areas for parking or loading shall be located between the building and the rear lot line.
  - f. The proposed facility must provide a necessary function.

## Section 619. FLOODPLAIN CONTROLS

The floodplain controls within the Borough are set forth and described in

### BOROUGH OF SAINT LAWRENCE ORDINANCE NO. 414

AN ORDINANCE AS MANDATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) (44 CFR §59 TO 44 CFR §73) AND BY THE COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF SAINT LAWRENCE, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS



## ORDINANCE

Ordinance No. 414, as described above, is incorporated by reference as though the same were set forth herein at length. If the property is in a mapped flood hazard area, as set forth currently applicable or future mapping by the Federal Emergency Management Agency, a designee agency or a successor agency, the regulations of Ordinance No. 414, in addition to the regulations set forth in the Zoning Ordinance then in effect apply, and in the event of a conflict, the more stringent regulation shall be applied.

### Section 620 NO-IMPACT HOME-BASED BUSINESSES

The business or commercial activity must satisfy the following requirements:

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

### Section 621. HOME OCCUPATION REGULATIONS

1. Home occupations shall be conducted within a single family detached dwelling with direct access to ground level.
2. Only a resident of the dwelling unit may practice the home occupation, (i.e. the owner cannot rent out a room in the house for someone to run a business)
3. No storage of materials or products related to the home occupation shall be permitted outside buildings.
4. Any need for parking generated by the home occupation shall be met off-street on the lot on which the home occupation is conducted, in addition to those parking spaces required

for the dwelling unit. As a minimum, for those occupations which serve patrons, three (3) off-street parking spaces shall be provided except in the case of dental, medical, or paramedical offices. Four (4) off-street parking spaces shall be provided for each person engaged in dental, medical, or paramedical practice. Any additional paving shall comply with the maximum allowed in the zoning district in question.

5. No more than one (1) person, whether paid or unpaid, may be employed by the practitioner of a home occupation to provide secretarial or clerical assistance (off street parking must be met for this person).
6. Environmental discharges:
  - a. No emission of unpleasant gases or other odorous matter shall be permitted.
  - b. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.
  - c. No discharge shall be permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature which could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process or otherwise could cause the emission of dangerous objectionable elements. No hazardous waste or household hazardous waste shall be discharged into sewage disposal systems or public sewers.
  - d. No vibration perceptible beyond the structure in which the home occupation is conducted shall be permitted.
  - e. No noise shall be audible beyond the structure in which the home occupation is conducted, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
  - f. No emission of any smoke shall be permitted (unless the smoke is from a wood burning stove or fireplace being used for heating purposes).
  - g. No hazardous, explosive or regulated material shall be produced or stored upon the premise in quantities exceeding National Fire Code standards for residences.
7. Not more than one (1) home occupation shall be practiced in any one (1) dwelling unit.
8. There shall be no alterations made to the outside of the dwelling in order to accommodate or facilitate a home occupation.
9. Occupations requiring clients coming to the home may:
  - a. Allow only two (2) clients at a time; and
  - b. Conduct business between the hours of 8:00 A.M. and 8:00 P.M.
10. No display of products shall be visible from public streets or adjacent properties.
11. There shall be no outside advertising in residential areas. In mixed use areas, there shall be no outside advertising other than one (1) one-sided or two-sided sign of no more than two (2) square feet in area of each side and must comply with all other requirements of

this ordinance regarding placement of such signs.

12. In the case of childcare services, a maximum of three (3) children (unrelated to the operator) may attend. Caregiver must comply with all requirements of the Pennsylvania Code Title 55. Public Welfare (copies available in the Borough office)
13. Home occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
14. Shall be contained on a single floor and not more than twenty-five percent (25%) of the area of that floor of the dwelling unit may be used for the purposes of the home occupation.
15. No repetitive servicing by truck shall be permitted.
16. A zoning permit shall be required.
17. The applicant needs to prepare an analysis on how it will impact the neighbors, if at all, and also a plan for the remediation and/or mitigation of said impacts.
18. All home occupations shall be subject to periodic inspections by the Borough Code Enforcement Officer or Assistant Code Enforcement Officer(s) to monitor compliance with the provisions of this ordinance and any and all other Borough, State and Federal regulations.

## Section 622. CLUSTER DEVELOPMENT REGULATIONS

A cluster development containing single family detached dwellings, when permitted by the applicable zoning district, is subject to the following:

1. The minimum amount of land in the development shall be five (5) acres within St. Lawrence Borough.
2. The development shall be served by public sewage disposal and public water supply facilities.
3. The density of the applicable zoning district shall be maintained (e.g., one dwelling unit per forty thousand (40,000) square feet of lot area in the R-3 District, one dwelling unit per five (5) acres of lot area in the R-8 District). An amount of land sufficient to maintain the required density shall be reserved as common open space as noted below.
4. The minimum lot size may be reduced to ten thousand (10,000) square feet, the minimum lot width at the building setback line may be reduced to seventy-five feet (75'), the minimum rear yard shall be twenty-five feet (25'), the minimum side yard shall be ten feet (10'), the minimum front yard shall be thirty feet (30'), and the minimum open area shall be sixty-five feet (65').
5. An area equal to the difference between each reduced lot size and the minimum lot size for a zoning district shall be permanently set aside for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.

6. A plan showing how the common open space areas will be used shall be submitted to the Borough for approval.
7. Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.
8. Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.

## Section 623. REMOVAL OF NATURAL RESOURCES FOR NEW DEVELOPMENT

1. Natural resources such as topsoil and wooded areas shall be preserved. The removal of natural resources shall be permitted only as part of construction activities and in connection with normal lawn preparation. Any earthmoving shall be conducted in accordance with the regulations of the Pennsylvania Department of Environmental Protection.

## Section 624. ADULT BOOK STORES, ADULT MOTION PICTURE THEATERS, CABARETS AND MASSAGE PARLORS

1. Definitions for Purposes of Section 624:

For the purpose of this Section 624 of this Ordinance, the terms, phrases and words herein referred to are defined as follows:

**Adult Book Store:** A commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, photographs, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities", or "Specified Anatomical Areas" (as defined below).

**Adult Motion Picture Theater:** A building or establishment used in whole or in part for presenting motion pictures distinguished or characterized by an emphasis on matters depicting, describing, or relating to "Specified Sexual Activities", or "Specified Anatomical Areas" (as defined below), for observation by patrons therein.

**Cabaret:** A club, restaurant, bar, tavern, theater, hall or similar place or establishment which features male and/or female entertainers, including but not limited to topless or bottomless dancers, entertainers, strippers or employees whose performance or activities include, even though not limited to, simulated sex acts, live or actual sex acts, or other "Specified Sexual Activities" (as described below), and/or reveal or display "Specified Anatomical Areas" (as defined below).

**Massage:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

**Massage Parlor:** Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage; provided, however, that this definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. In addition, this definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a non-profit organization operating a community center, a swimming pool, tennis court, or other educational, cultural, recreational or athletic facilities and facilities for the welfare of the residents of the area.

**Specified Sexual Activities:**

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; and
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

**Specified Anatomical Areas:**

- a. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

2. Prohibition in Residential Zones:

It shall be unlawful to establish an adult book store, an adult motion picture theater, cabaret, or massage parlor in any R-3 Suburban Residential District, R-4 and R-5 Suburban Residential Districts, R-6 Urban Residential District, R-8 Urban Residential District, R-10 Urban Residential District, BC Borough Center District, RC Rural Conservation District, PI Public / Institutional District, I-1 General Industrial District, and I-2 Light Industrial District.

3. One Thousand Feet (1,000') Separation Requirement:

It shall be unlawful to establish an adult book store, an adult motion picture theater, cabaret, or massage parlor within one thousand (1,000) lineal feet of any other adult book store, adult motion picture theater, cabaret, or massage parlor.

4. Allowance of Conditional Use:

It shall be unlawful to establish an adult book store, an adult motion picture theater, a cabaret, or massage parlor in any other Zoning District than the C-5 Highway Commercial District as a Conditional Use in accordance with Section 811 of this Ordinance. No such use shall be permitted within five hundred feet (500') of any school, church, playground, any other area designated as a recreational area, or within five hundred feet (500') of any property zoned as R-3, R-4, or R-5 Suburban Residential, R-6 or R-8 Suburban Residential, PI Public Institutional, or RC Rural Conservation.

The Borough Council may authorize the establishment of an adult book store, an adult motion picture theater, a cabaret, or massage parlor only if the following findings are made:

- a. That the applicant has presented to the Borough a petition which indicates approval of the proposed use by fifty-one percent (51%) of the persons eighteen (18) years of age or older owning, residing, or doing business within a radius of five hundred feet (500') of the location of the proposed use.

The applicant shall have attempted to contact all eligible locations within this radius and must supply a list of all addresses at which no contact was made. The circulator of the petition shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition by the persons whose names appear thereon.

- b. That the proposed use will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and will not be detrimental to the general character of the area.
- c. That the establishment of the proposed use in the area will not be contrary to any program of neighborhood conservation and will not interfere with any program or urban renewal.
- d. That the conditions set forth in Section 811 of this Ordinance relating to Conditional Uses will be met.
- e. That all other applicable regulations of this Ordinance will be served.

## Section 625. RECREATIONAL DEVELOPMENT REGULATIONS

### 1. Uses Permitted:

When permitted by the applicable Zoning Districts, the following primary uses and necessary accessory uses may be approved subject to these regulations:

Private clubs organized around an athletic activity. Accessory uses shall be restricted to those providing necessary amenities to members and their guests to include the sale of goods, prepared foods and services and rental of facilities to members and their guests provided that no sleeping accommodations are provided.

### 2. Area and Yard Restrictions

No lot area shall be less than five (5) acres.

All buildings shall be set back a minimum of two hundred feet (200') from any lot line.

Maximum lot coverage shall be two percent (2%).

Maximum paved area shall be eight percent (8%).

Minimum lot width shall be four hundred feet (400').

## Section 626. FORESTRY

### 1. Intent

It is the intent of the following regulations to conserve forested open space and its environmental, economic, recreation, wildlife and amenity values by promoting good forest stewardship; protect the rights of adjoining property owners; and minimize the potential for adverse environmental impacts.

### 2. Applicability

Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. These regulations apply to all timber harvesting within the municipality where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement. These provisions apply to privately and publicly owned property. These provisions apply to any site where there will be clearing of trees for any purpose, if lumber will be removed from the site.

### 3. Notification; Preparation of a Logging Plan

- a. Notification of commencement or completion. For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- b. Logging Plan. Every landowner on whose land timber harvesting is to occur shall have a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMPs) for forestry found in the publications Best Management Practices for Pennsylvania Forests, Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands, and Controlling Erosion and Sedimentation from Timber Harvesting Operations.
- c. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

### 4. Contents of the logging plan

- a. Minimum requirements. As a minimum, the logging plan shall include the following:
  - ❖ Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;
  - ❖ Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;

- ❖ Design, construction, and maintenance of stream and wetland crossings;
  - ❖ The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- b. Map. Each logging plan shall include a sketch map or drawing containing the following information:
- ❖ Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
  - ❖ Significant topographic features related to potential environmental problems;
  - ❖ Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  - ❖ Location of all crossings of waters of the Commonwealth;
  - ❖ The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- c. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
- ❖ Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.). An erosion and sedimentation plan shall be on-site and shall be approved by the Berks County Conservation District when required.
  - ❖ Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
- d. Relationships of state laws, regulations, and permits to the logging plan.
- Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.
5. Forest practices. The following requirements shall apply to all timber harvesting operations in the Borough.
- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
  - b. No tops or slash shall be left within twenty-five feet (25') of any public thoroughfare or private roadway providing access to adjoining residential



property.

- c. All tops and slash between twenty-five feet (25') and fifty feet (50') from a public roadway or private roadway providing access to adjoining residential property or within fifty feet (50') of adjoining residential property shall be lopped to a maximum height of four feet above the ground.
  - d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
  - e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
  - f. Skid trail, skid road, haul road, and landing area design shall be consistent with PA Department of Environmental Protection guidelines.
  - g. Routes using municipal roads shall be approved by the Governing Body of the municipality. The Governing Body will also set the maximum gross weight permissible on municipal roads.
  - h. Hours during which harvesting can occur are subject to Governing Body approval.
  - i. Landing/staging areas and haul/skid roads shall be restored and reseeded after the harvest is complete. Site access roads shall be closed to the general public.
6. Responsibility for road maintenance and repair: road bonding.

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Borough roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. No mud/debris shall remain on public roads.

7. Enforcement

- a. The Zoning Officer or other party designated by the governing body shall be the enforcement officer for this Section.
- b. Inspections. The Zoning Officer or other designated party may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this section and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

## Section 627 REGULATIONS FOR COMMUNICATION TOWERS AND ANTENNAS

- 1. Purpose. The purpose of this Section is to establish general guidelines for the setting of telecommunications towers and antennae. The goals are to: (1) protect residential areas and land uses from potential adverse impacts of telecommunications towers and antennae; (2) minimize the total number of telecommunications towers throughout the community; (3) strongly encourage the joint use of new and existing

telecommunications tower sites as a primary option rather than the construction of additional single-use telecommunications towers; (4) encourage users of telecommunications towers and antennae to locate them, to the extent possible, in area where the adverse impact to the community is minimal; (5) encourage users of telecommunications towers and antennae to configure them in a way that minimizes the adverse visual impact of telecommunications towers and antennae through careful design, setting, landscape screening and innovative camouflaging techniques; (6) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (7) consider the public safety of telecommunications towers; and (8) minimize potential damage to adjacent properties from tower failure through engineering and careful siting of telecommunications tower structures. In furtherance of these goals, the Borough shall give due consideration to existing land uses and environmentally sensitive areas in approving sites for the location of telecommunications towers and antennae.

2. All new towers and antennae shall be subject to these regulations, except as provided herein. This Section shall not govern any radio tower, or the installation of any radio antenna that is less than forty feet (40') in height. Preexisting towers and preexisting antennae shall not be required to meet the requirements of this Ordinance, other than as provided herein.
3. For purposes of determining whether the installation of a tower or antenna complies with district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be located on leased parcels within such lot.
4. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Borough an inventory of its existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of the Borough or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Borough may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennae within the jurisdiction of the Borough; provided, however, that the Borough is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
5. Towers and antennae shall meet the following requirements:
  - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness, or colored to blend into the natural setting and surroundings.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Towers shall not be artificially lighted, unless required by the FAA, the Borough or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall be approved by the Borough and conform to FAA

regulations.

6. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state and federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennae governed by this Ordinance shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
7. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electrical Industry Association, as amended from time to time. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
8. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough irrespective of municipal and county jurisdiction boundaries.
9. Towers and antennae shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a communication system in the Borough have been obtained and shall file a copy of all required franchises with the Borough.
11. No signs shall be allowed on an antenna or tower, except where required by law or approved by the Borough.
12. All communication towers shall be monopole construction, but the upper portions of towers may have designs intended to camouflage the tower, when approved by the Borough.
13. All towers must meet American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Borough. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements, certify proper construction of the foundation and erection of the tower, and certify the tower can structurally accommodate the proposed users of the tower.
14. The maximum height of a communication tower shall be one hundred fifty feet (150') for two (2) or more systems or users and one hundred feet (100') for a single system or user.

15. There shall be no overhead electrical transmission lines within a two hundred foot (200') radius of the tower. The following tower and antenna separation requirements shall apply from off-site uses/designated areas. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified below:

<u>Off-Site Uses/Designated Area</u>	<u>Separation Distance</u>
Residential dwelling units	250 feet
Vacant residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	250 feet
Vacant unplatted residentially zoned lands	100 feet
Inhabitable non-residential structures	250 feet
Non-residentially zoned lands	None – only setbacks apply

Each new tower or antenna shall have a fallout area equivalent to the height of said tower or antenna, which area shall be measured from the location of said tower or antenna in a three hundred sixty degree (360°) radius equal to the height of the same, which area shall be under the control of the applicant constructing said tower or antenna.

16. The Borough shall be assured that all health, safety, and welfare issues have been properly addressed.
17. The owners of the communication tower shall secure the tower base, including any support structures, with a chain link fence which shall be a minimum of ten feet (10') in height. In addition to boundary security, all communication towers shall have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the tower. Landscaping shall be provided around all fences to screen the tower compound year-round from view from property zoned to permit residential dwellings. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited in large, wooded lots, natural growth around the property perimeter may be sufficient screen.
18. All communication tower owners shall provide the Borough with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Borough and is in compliance with all Federal Communications Commission regulations.
19. If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.
20. The owner of any communication tower shall be required to routinely submit to the Borough, proof of an annual inspection and tower maintenance program. Any structure

faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.

21. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Borough of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. When required by the municipality, the applicant shall post a financial security in a form acceptable to the Borough to cover the cost of removing the antenna or tower.
22. No communication tower shall be allowed within one mile of another tower. The separation distances shall be measured by drawing or following a straight line between the base of an existing tower and the proposed base, pursuant to a site plan, of a proposed tower.
23. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Borough that no existing tower, structure or alternate technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Borough related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
  - No existing towers or structures are located within the geographic area, which meet applicant's engineering requirements.
  - Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - The applicant's proposed antenna would cause electromagnetic interference with the antennae on the existing towers or structures, or the antennae on the existing towers or structures would cause interference with the applicant's approved antenna.
  - The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The applicant shall demonstrate that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new-tower or antenna development shall not be presumed to render the technology unsuitable.

24. The placement of additional support buildings or supporting equipment in conjunction with an existing tower or locating antennae on existing structures or towers will not require a conditional use.
25. Any antenna which is not attached to a tower may be approved by the Zoning Officer as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided that the antenna does not extend more than thirty feet (30') above the highest point of the structure; the antenna complies with all applicable FCC and FAA regulations; and the antenna complies with all applicable building codes.
26. An antenna which is attached to an existing tower may be approved by the Zoning Officer as a permitted use.
27. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennae by more than one carrier on existing towers shall take precedence over the construction of new towers; provided such collocation is accomplished in a manner consistent with the following:
  - A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless reconstructed as a monopole,
  - An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of additional antennae; such height change may only occur one (1) time per communication tower, and such additional height shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.
  - A tower which is being rebuilt to accommodate the collocation of additional antennae may be moved onsite within fifty feet (50') of an existing location. After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site. A relocated, onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The onsite relocation of a tower which comes within the separation distances as established in subsection 627.15 shall only be permitted when approved by the Borough.
28. In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a communication tower.
29. Towers that are constructed, and antennae that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (excluding replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Ordinance.

Bona fide nonconforming towers or antenna that are damaged or destroyed may be rebuilt without having to first obtain conditional use approval and without having to meet the separation requirements specified in this Ordinance. The type, height and location of the tower onsite shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

30. The following requirements shall apply to antennae and related equipment:
- a. Antennae Mounted on Structures or Rooftops. The equipment or structure used in association with antennae shall comply with the following:
    - 1) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten feet (10') in height. In addition, for buildings and structures which are less than sixty-five feet (65') in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or ten feet (10') in height, shall be located on the ground and shall not be located on the roof of the structure.
    - 2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.
    - 3) Equipment Storage buildings or cabinets shall comply with applicable building codes,
  - b. Antennae Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennae shall be located in accordance with the following:
    - 1) The equipment cabinet or structure shall be no greater than ten feet (10') in height or one hundred (100) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of at least eight feet (8') and a planted height of at least thirty-six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties, which abut or are directly across the street from the structure or cabinet by a solid fence eight feet (8') in height or an evergreen hedge with an ultimate of at least eight feet (8') and a planted height of at least thirty-six inches (36").
  - c. Antennae Located on Towers. The related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten feet (10') in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.
31. Antennae or towers located on property owned, leased, or otherwise controlled by the Borough, provided a license or lease authorizing such antenna or tower has been approved by the Borough, shall not require conditional use approval.
32. Applicants for a tower shall submit the following:

- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, onsite land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distance set forth in this Ordinance, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information necessary to assure compliance with this Ordinance.
- b. Legal description of the parent tract and leased parcel (if applicable).
- c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- d. The separation distance from other towers described in the inventory of existing sites submitted shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and owner/operator of the existing tower(s), if known.
- e. A landscape plan showing specific landscape materials located outside of fencing.
- f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with all applicable subsections and all applicable federal, state and local laws.
- h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
- i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other tower sites owned or operated by the applicant in the municipality.
- j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k. A description of the feasible location(s) of future towers or antennae within the Borough based upon existing physical, engineering, technological and geographical limitations, in the event the proposed tower is erected.

## Section 628. OUTDOOR SWIMMING POOLS

1. Every outdoor swimming pool shall conform to all applicable requirements of the UCC.
2. An outdoor swimming pool is permitted only in a side or rear yard area and must be at least ten feet (10') from all lot lines. This requirement applies to any part of the pool structure.
3. Water shall not be discharged from any swimming pool onto any adjoining property.



## Section 629. RESIDENTIAL CONVERSION REGULATIONS

1. A single family detached dwelling may be converted into a dwelling for a greater number of families where permitted by the applicable zoning district regulations, subject to the following requirements:
  - a. Each dwelling unit shall not have less than six hundred (600) square feet of floor area.
  - b. Three (3) off-street parking places shall be provided for each dwelling unit.
  - c. The lot area per family is not reduced to less than four thousand (4,000) square feet per family.
  - d. The yard, height, and lot coverage requirements for the District in which the dwelling unit is located shall be met.
  - e. The Borough may specify the maximum number of families permitted to occupy such building, and may prescribe such further conditions and restrictions as the Council may consider appropriate.
  - f. Prior to the conversion, a zoning permit must be obtained, as per the requirements of Section 801.

### 2. Conversion Apartments

- a. Off Street parking shall be provided according to the following scale:

<u>Number of Bedrooms</u>	<u>Parking spaces required</u>
1	2
2	3
3	3

- b. Parking areas shall be located and designed in accordance with the regulations of this ordinance.
- c. Minimum apartment size shall conform to the following scale:

<u>Number of Bedrooms</u>	<u>Useable living space</u>
1	500 square feet
2	650 square feet
3	850 square feet

- d. Only existing, single-family detached dwellings may be converted for conversion apartment use.
- e. A maximum of three (3) units may be created by the conversion of a single-family structure.
- f. Access to each unit must be reviewed and approved by an appropriate local fire protection official. The property owner shall provide each unit with fire alarms, kept in working order by property owner at all times.
- g. The property owner shall provide exit signs in hallways leading to and from second

and third floor apartments. In addition, the property owner shall provide each hallway serving independent units with fire alarms, kept in working order by property owner at all times.

3. Mixed-use Structures

- a. Mixed-use structures shall consist of two (2) or more limited specialty retail, business office, or professional office uses or one (1) or more specialty retail, business office, or professional office uses and one (1) or more residential uses.
- b. Commercial uses outlined in Article V may be located on the first floor of the structure, and also, when access is approved by appropriate local fire protection officials, on the second floor of the structure.
- c. Residential apartments may be located on the second and third floors provided that parking and minimum apartment sizes conform to the regulations of this ordinance.
- d. Access to each unit, residential, commercial, or professional use, must be reviewed and approved by an appropriate local fire protection official. The property owner shall provide each unit with fire alarms, kept in working order by property owner at all times.
- e. The property owner shall provide exit signs in hallways leading to and from second and third floor apartments. In addition, the property owner shall provide each hallway serving independent units with fire alarms, kept in working order by property owner at all times.
- f. New businesses must apply for a zoning permit before operating, as per the requirements of Section 801 of this Ordinance.

# **ARTICLE VII - NONCONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS**

## **Section 700. STATEMENT OF INTENT**

1. Within the zoning districts established by this Ordinance or subsequent amendments hereto, there exist or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations.
2. Nothing in this Ordinance shall be deemed to require a change in the plans for any building, structure, or land use for which a permit was issued prior to the effective date of this Ordinance or subsequent amendment thereto, provided the authorized activity is begun, in the opinion of the issuing officer, within six months of the issuance of the permit.

## **Section 701. NONCONFORMING LOTS OF RECORD**

1. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments hereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage, and open space requirements of the Zoning District shall be met, further subject to the following subsection; provided, however, that when a sub-divider has had an application for approval of a Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the sub-divider to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within the time limits established in the Pennsylvania Municipalities Planning Code, as amended.
2. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height, coverage, and open space requirements of the District are met; provided, however, that if two or more lots, combination of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division or any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

## **Section 702. REGISTRATION**

After the enactment of this Zoning Ordinance, the Zoning Officer shall assemble and maintain a listing of nonconforming uses and structures, as they are identified.

Vacation of land or buildings or the termination of the use normally carried on upon the property shall be evidence of discontinuance.

If after filing a Certificate of Intention to Continue, the nonconforming use is not commenced within one (1) year from the end of the initial one (1) year period, the nonconforming use shall be considered abandoned

and shall not be reestablished.

### **Section 703. DISCONTINUANCE**

If a nonconforming use of a building or land ceases operations for a continuous period of one (1) year, after which the owner of such property does not file with the Zoning Officer a Certificate of Intention to maintain such use, this shall be deemed an intent to abandon such use, and any subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

### **Section 704. CHANGE**

A nonconforming use may be changed to a conforming use by right. A nonconforming use, if changed to a conforming use, shall not be changed back to a nonconforming use. A nonconforming use shall not be changed to any other nonconforming use unless approved as a special exception by the Zoning Hearing Board. The proposed use shall be of the same or more restricted classification than the existing use. The proposed use shall be demonstrated by the applicant to be not more detrimental to the district with respect to traffic generation and congestion, noise, illumination, electric radiation emission, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, appearance and waste generation than the existing nonconforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the approving of a Special Exception.

### **Section 705. EXPANSION**

1. A nonconforming use, building, or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.
2. Any additional or expanded structures, uses, or buildings erected or established in connection with an existing nonconforming use shall meet all the Area, Yard, and Height Regulations of the applicable zoning district.
3. A nonconforming use shall not be expanded unless such expansion has been approved as a Special Exception granted by the Zoning Hearing Board.
4. A nonconforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any regulation imposed by this Zoning Ordinance, except that a principal building which existed at the effective date of this Ordinance which is nonconforming as to yard requirements may have repairs, improvements, maintenance, modifications, and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification, or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Ordinance.
5. A nonconforming use may be expanded within a building containing that nonconforming use at the effective date of this Ordinance, provided that the nonconforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Ordinance. A nonconforming use may also be expanded into a new building or extension of an existing building containing the use; however, such expansion must adhere to Section 705 (3)
6. Total future expansion of a nonconforming structure and/or use shall not exceed fifty percent (50%) of the area occupied by the use at the time it first became a nonconforming use.

7. Nonconforming signs shall not be expanded.
8. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.

## **Section 706. MOVEMENT AND REPLACEMENT.**

A building or structure containing a nonconforming use or a nonconforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all Area, Yard and Height Regulations and General Regulations applicable to the zoning district in which it is located.

## **Section 707. DAMAGE OR DESTRUCTION**

1. Any nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements, including foundation, are totally destroyed or rendered unusable by any means, including deterioration, in the opinion of the Zoning Officer, may be rebuilt or replaced and used for the same nonconforming use. Any replacement building or structure shall comply with all requirements of this Ordinance regarding size and location. A rebuilt building shall not be more nonconforming in any aspect than the building prior to the rebuilding. New construction shall begin within eighteen (18) months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.
2. A nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more nonconforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within eighteen (18) months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.
3. Any nonconforming building or structure or building or structure containing a nonconforming use which is destroyed to any extent shall be inspected by the Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.
4. No new or reconstructed building, or portion thereof, may extend over a property or street line.

## **Section 708. CERTIFICATE OF INTENTION**

1. Scope

A Certificate of Intention shall be required in all instances where a non-conforming use is discontinued if the owner or operator of such use desires to maintain such a non-conforming use. A Certificate of Intent shall be filed with the Zoning Officer within thirty (30) days after a non-conforming use has been discontinued for a period of one year.

2. Procedure

The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.

3. Notification

The adoption of this Ordinance shall be considered effective notice to all owners or operators of non-conforming uses of the requirements for registration for the discontinuance of all non-conforming uses.

4. Filing

The Zoning Officer shall maintain a separate file for all Certificates of Intention.

5. Duration

Each Certificate of Intention shall be valid for a one (1) year period. The owner or applicant may file for extension of a Certificate of Intention for an additional year prior to expiration of the initial Certificate.

## **Section 709. NON-CONFORMING SIGNS**

1. After the effective date of this ordinance, there exist or will exist signs which do not conform to the requirements of this Ordinance, which, if lawful before this Ordinance became effective, may be continued subject to certain limitations, even though such non-conforming signs would be prohibited, regulated, or restricted under the terms of this Ordinance.

2. Non-conforming signs are subject to the following regulations:

a. Non-conforming signs, once removed from their location after the effective date of this Ordinance, shall be replaced only with conforming signs.

b. Non-conforming signs destroyed by any means to fifty percent (50%) or more of replacement value immediately prior to destruction, shall be removed and shall be replaced only with a sign which complies with all the requirements of this Ordinance.

c. Non-conforming signs destroyed by any means to less than fifty percent (50%) of replacement value immediately prior to destruction may be repaired, but no repairs shall make the sign more non-conforming than the sign was at the time of destruction.

d. Non-conforming signs may be repainted, repaired, and similarly maintained, but no repair or maintenance shall make a sign more non-conforming than the sign was prior to the painting, repair, or maintenance.

e. No non-conforming sign may be relocated unless to comply with all the requirements of this Ordinance.

- f. No non-conforming sign shall be modified in any way, which will further violate any regulation imposed by this Ordinance.
- g. Non-conforming signs shall not be expanded.
- h. Non-conforming signs (e.g. flashing, intermittent, etc.) that are inoperative for one (1) year or more shall not be re-activated.

## ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

### Section 800. ZONING OFFICER

1. Appointment

A Zoning Officer shall be appointed by Borough Council to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Borough. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning.

2. Duties and Powers

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance; any other land use ordinances adopted by the Borough; and the amendments thereto and he shall have such duties and powers as are conferred on him by this Ordinance and the Pennsylvania Municipalities Planning Code and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- a. Receive applications for zoning permits and issue zoning permits as set forth in this Ordinance.
- b. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structure, etc. remain in existence.
- c. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the land owner or tenant, and in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.
- d. Issue approvals for land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
- e. Issue approvals for special exception uses, conditional uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board or a conditional use has been approved by the Borough Council in accordance with the regulations of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.
- f. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
- g. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
- h. Issue Zoning Certificates of Use and Occupancy in accordance with the terms of



this Ordinance.

- i. Serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this Ordinance, or any amendment thereto, or in violation of a statement or a plan approved under this Ordinance. Notice of violation shall be in writing and served personally to or sent by certified mail to the entity in violation of this Ordinance. The notice shall indicate the nature of the violation and action necessary to correct same. If the notice of violation is not complied with in the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of the structure, building, sign and/or land involved in said violation. All enforcement notices shall be as provided in the Pennsylvania Municipalities Planning Code, as amended. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Borough Council.
- j. Submit a monthly report of his activities to the Borough Council and Borough Planning Commission and where appropriate, submit a report to the Zoning Hearing Board.
- k. Receive and refer applications for special exceptions to the Zoning Hearing Board.
- l. Receive applications for interpretation appeals and variances, following refusal of a permit, and forward these applications to the Zoning Hearing Board.
- m. When directed by the Borough Council, identify and register nonconforming uses, structures and lots, together with the reason why the Zoning Officer identified them as nonconformities.

## **Section 801. ZONING PERMITS**

### **1. Requirements**

No building or structure, except temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered, nor shall land, buildings and structures be put to any use or have their use changed, without a permit therefore issued by the Zoning Officer. A Zoning Permit is required for Timber Harvesting.

No permit shall be issued unless:

- a. there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction;
- b. all fees have been paid to St. Lawrence Borough including, but not limited to, sewer connection fee, sewer tapping fee, sewer collection fee, street lateral inspection fee, recreation fund fee, driveway permit fee, road occupancy permit fee; and
- c. all other permits and approvals have been issued and fees paid including, but not limited to, UCC construction, plumbing, or electrical permits; on-lot sewage disposal permit; erosion and sediment control approval; PennDOT

driveway permit; PennDOT road occupancy permit and Pennsylvania Labor and Industry approval. Permits are required for permanent fences, for sheds (whether on a foundation or not) and for driveways (for new construction, widening, paving and overlaying, but not for liquid sealing).

## 2. Application Procedures

The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Borough. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:

- a. A plan of the lot in question, indicating the lot size and showing all dimensions of lot lines, the location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures, and distances of such features from lot lines. Additionally, the location of all utility lines, the proposed water and sewer lines, all streets, right-of-ways and easements on or adjacent to the lot. The plan shall be drawn to scale and show exact locations. The applicant is responsible to ensure accuracy of all property lines.
- b. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width, illumination and design of all signs. Proposed buildings, additions, and external alterations shall be described.
- c. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot and the floor area to be devoted to each residential, commercial, industrial, and home occupation use.
- d. The location, dimensions, grade and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian (including ADA accessibility where required) and vehicular traffic, and provisions for outdoor lighting. The percentage of the lot which is paved and which is open area.
- e. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- f. Name and address of the applicant and the owners of the real estate involved and a description of and location of the real estate involved.
- g. A written statement from a registered engineer or surveyor, or by other satisfactory evidence, that the line of any adjoining street has been staked on the ground.
- h. A Zoning Certificate of Use and Occupancy shall not be issued until a zoning permit is obtained.

## 3. Approval or Disapproval

Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Borough Ordinances. Within thirty-five (35) days from the filing date of the application, the Zoning Officer shall either approve or disapprove the application. If disapproved, the Zoning Officer shall explain the reasons therefore and informing the applicant of his rights to appeal.

4. Issuance and Posting of Permit.

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Borough Council, the Zoning Officer shall issue a Zoning Permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for a six (6) month period. A Zoning Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within six (6) months of issuance of the permit.

5. Rights of Permit Holders

The permit shall be authorization to proceed with the work described on the approved application in accordance with all Borough Ordinances, including the securing of a UCC Permit. The Zoning Officer shall revoke a permit for approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

## **Section 802. ZONING CERTIFICATE OF USE AND OCCUPANCY**

1. Requirements

It shall be unlawful to sell, convey, lease, rent, use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required or to change the use of any building, structure or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Borough. A Zoning Certificate of Use and Occupancy shall not be issued unless such building, structure or land has been inspected by the Zoning Officer and he has determined that all provisions of this Zoning Ordinance have been complied with, and a zoning permit has been obtained. The lot shall be graded, construction debris shall be removed from the lot, and the Borough Zoning Officer shall indicate if a Building Permit may be required in compliance with the Uniform Construction Code..

2. Upon receipt of written notification that the applicant is ready to use and occupy the premises for which a zoning permit has been issued or for a change in use, the Zoning Officer shall inspect the premises within thirty (30) days to determine compliance with the approved application and the Zoning Ordinance of the Borough, in addition to any other approvals that may be required. If in compliance, he shall approve and sign a Zoning Certificate of Use and Occupancy for the use indicated on the approved application. A copy of the Zoning Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Borough records. If he finds that the work has not been performed or that the use of the premises does not comply with the approved application and the Zoning Ordinance of the Borough, the Zoning Officer shall refuse to approve and sign the Zoning Certificate of Use and Occupancy and in writing give the reasons therefor and inform the applicant of his right of appeal.

3. In Districts in which Performance Standards are imposed, no Zoning Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon a re-inspection by the Zoning Officer it is determined that the facility is in compliance with all applicable Performance Standards of this Ordinance.

4. Temporary Zoning Certificate of Use and Occupancy

The Zoning Officer may issue a Temporary Zoning Certificate of Use and Occupancy for such temporary uses as signs, tents, trailers, and buildings on construction sites. The Zoning Hearing Board may authorize as a Special Exception a Temporary Zoning Certificate of Use and Occupancy for a structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the Borough, provided that such structure or use shall be completely removed upon expiration of the Temporary Zoning Certificate without cost to the Borough.

**THE ISSUANCE OF A TEMPORARY ZONING CERTIFICATE OF USE AND OCCUPANCY DOES NOT EXEMPT THE APPLICANT FROM COMPLYING WITH THE UCC BUILDING CODE AS ADOPTED BY PENNSYLVANIA. OCCUPANCY CAN ONLY OCCUR IF A UCC CERTIFICATE OF USE AND OCCUPANCY OR UCC TEMPORARY CERTIFICATE OF USE AND OCCUPANCY HAS BEEN ISSUED BY THE UCC BUILDING CODE OFFICIAL OR IF ONE IS NOT NEEDED BY STATE CODE.**

5. Such Temporary Certificates shall be for the period of time to be determined by the Zoning Officer or Zoning Hearing Board, as applicable, at the time of application, but in no case shall any Certificates, except those for uses on construction sites, be issued for more than six (6) months.
6. A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

## **Section 803. SIGN PERMITS**

1. General Regulations Applicable to all Signs.
  - a. Except in the case of traffic control signs, school warning signs, time and/or temperature signs and similar signs, signs shall not contain moving parts nor use flashing or intermittent illumination, and the source of light shall be steady and stationary.
  - b. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
  - c. At all street intersections, no sign except traffic control signs, school warning signs, and similar signs as provided for by other portions of this Ordinance shall be permitted within a clear sight triangle established for a distance of seventy-five feet (75') from the point of intersection of the center lines of the intersecting streets.
  - d. No sign other than traffic control signs, school warning signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any

street right-of-way.

- e. No sign shall be utilized in a manner, which produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties, streets, and public roads.
- f. No sign shall be erected or located so as to prevent free ingress to or egress from any window, door, or fire escape.
- g. No sign which emits smoke, vapors or particulates, sound, or odor shall be permitted.
- h. No red, green or amber lights shall be permitted unless contained within a school warning sign, traffic control sign or similar sign.
- i. No portion of any sign shall project over a lot line.
- j. The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage, or similar items shall be permitted.
- k. Every sign shall be constructed of durable material and kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or safety of the owner or lessee. The Borough Code Enforcement Officer shall make the determination as to the state of repair or the presence of a hazard. All signs shall be installed in compliance with building and electrical codes as required by the Code Enforcement Officer.
- l. The distance from the ground to the highest part of any sign shall not exceed ten feet (10') feet in all residential zoning districts. The distance from the ground to the highest part of any free standing sign in a commercial or industrial zoning district shall not exceed twenty-five feet (25').
- m. No portion of a sign, which is attached to, a building, or which projects from a building shall extend above the height of the building.
- n. No sign shall project more than twelve inches (12") from the building facade to which it is attached, except that signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four feet (4') provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than twelve (12) square feet in area on any one side, and all portions of all such signs are at least eight feet (8') above the ground.
- o. No vulgar, indecent or obscene signs may be displayed in any manner.
- p. No signs shall be permitted which are posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way.
- q. All sign provisions of this Ordinance shall apply to the use of silos,

smokestacks, water towers and other similar structures as signs.

- r. Signs on mobile stands, which can be moved from place to place, and signs on any vehicle or moveable structure are prohibited.
- s. No sign structure erected directly upon the ground shall have less than three feet (3') of clear space between such signs and ground; however, necessary supports may extend through such space.
- t. Signs which make use of words such as "STOP, LOOK, ONE-WAY, DANGER, YIELD", or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
- u. Portable signs are prohibited.
- v. Vehicular signs are prohibited.
- w. Temporary signs other than those recognized by this Ordinance are prohibited.
- x. Signs are prohibited on public property or public rights-of-way, unless erected by a governmental body or otherwise permitted by the Code Enforcement Officer and bearing no commercial advertising.
- y. Search lights, pennants, spinners, banners and streamers except as otherwise stated in this Ordinance are prohibited.
- z. Sign placement shall be limited to street frontage only.

## 2. Application Procedures

Applications shall be made in writing to the Zoning Officer on a form specified for such purposes and shall contain the following:

- a. A detailed scale drawing of the sign.
- b. A statement indicating the type of construction, the manner of installation, and the materials to be used.
- c. A scale drawing of the lot indicating the location of the sign. All abutting street right-of-way lines shall be indicated
- d. A statement indicating all sources of light and methods of illumination.
- e. A statement indicating the distance from the ground to the lowest portion of the sign and from the ground to the highest portion of the sign.
- f. For signs, which will project from or be attached to buildings, a diagram indicating the location of the sign with the respect to the building facade to which it will be attached, including distance of projection from the building.
- g. A statement that all the requirements of this Ordinance shall be adhered to and that the sign will be erected according to the accompanying plans and specifications.

- h. The signature of the applicant. When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.

3. Free Standing Signs

If the sign is to be supported by a separate structure to be erected for that purpose, then the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A brochure or photograph of a similar sign shall also be attached.

A Certificate of Occupancy shall be required for free standing signs only.

4. Review Procedures

Permits shall be granted or denied within sixty (60) days from the date of application. All approved permits together with the accompanying information shall be a public record.

5. Hazardous Signs

When in the discretion of the Zoning Officer the type of sign in question constitutes a potential danger to the community, a copy of a public liability insurance policy with proof of payment shall be required.

6. Denial

No Sign Permit shall be granted unless the application conforms to the requirements of this Ordinance.

7. Duration of Permit

All Sign Permits granted shall remain valid for a period of six (6) months. If the applicant has not undertaken a significant portion of the work required, a subsequent Sign Permit shall be necessary.

## **Section 804. SCHEDULE OF FEES, CHARGES AND EXPENSES**

The Borough Council shall establish, by resolution, a schedule of fees and charges for Zoning Permits, zoning certificates of use and occupancy, special exceptions, variances, appeals, conditional uses, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter relating thereto.

## **Section 805. AMENDMENTS**

The provisions of this Ordinance and the boundaries of zoning districts as set forth on the Official Zoning Map may from time to time be amended, supplemented, or changed by Borough Council in accordance with the following procedure:

1. Procedure

The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:

- a. Any proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days

prior to the public hearing.

- b. Any amendment not prepared by or emanating from the Borough Planning Commission shall be submitted by Borough Council to the Borough Planning Commission for its recommendation at least thirty (30) days prior to the public hearing.
- c. Curative Amendments – The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended.

## 2. Submission of Impact Statement

With a request for a zoning amendment initiated by other than the Borough Council or Borough Planning Commission, a statement indicating the impact of the zoning change on the Borough shall be submitted with the application for rezoning. The statement shall compare the impact on the Borough resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

**Environmental Impact** – The impact on wooded areas, floodplains, wetlands or areas of high water table, storm water runoff, erosion and sedimentation, water quality, air quality, solid waste generation, and noise levels.

**Traffic Impact** – The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

**Services Impact** – The demand for school, police, sanitary sewer, water, sanitation, and road maintenance services.

**Fiscal Impact Analysis** – The costs and revenues to the Borough.

## 3. Public Hearing

The Borough Council shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens.

Once a public hearing has been advertised regarding an individual property or a zoning map change, a notice shall be posted on each side of the affected property which faces a street in such a position that such notice is readily readable. The notice shall be posted at least one (1) week prior to the hearing and shall state the following:

- a. That an application for an amendment to this Ordinance or zoning map has been requested;
- b. The proposed use of the property;
- c. The existing Zoning District and the proposed Zoning District;
- d. The name of the applicant and the owner of the property;
- e. The date, time and place of the public hearing.

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, prior to voting on the amendment. The Borough Council shall vote on the proposed amendment within ninety (90) days after the last public hearing.

Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

## **Section 806. CAUSES OF ACTION**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct and abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

## **Section 807. STOP ORDER**

1. Scope. A Stop Order may be issued in the following instances:
  - a. If activities regulated by this Ordinance are undertaken without the required Zoning Permit, Building Permit, sign permit, or Certificate of Use and Occupancy being granted by the Borough.
  - b. If an activity undertaken under a Zoning Permit, Building Permit or Sign Permit deviates from the approved application either during or after completion of the work.
  - c. If a use is conducted or a building or structure is established in a way which is in violation of the use requirements, area, yard, coverage and height regulations, performance standards, general regulations or any other requirements of this Ordinance.
  - d. If an activity permitted by Special Exception, variance or condition is not conducted in accordance with the terms of the granting of the Special Exception, variance or conditional use.
2. Notice to Owner. A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property.
3. Contents. The Stop Order shall be in writing and state the nature of the violation and under which conditions the work or use may resume. A reasonable period of time as determined by the Borough Zoning Officer may be permitted to allow for the required corrections.
4. Unlawful Continuance. Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

## **Section 808. ENFORCEMENT NOTICE**

1. If it appears to the Borough Council that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
2. The enforcement notice shall be served personally or be sent by certified mail 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.
3. An enforcement notice shall state at least the following:
  - a. The name of the owner of record and any other person against whom the Borough intends to take action.
  - b. The location of the property in violation.
  - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of 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 within a prescribed period of time in accordance with procedures set forth in this Ordinance.
  - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

## **Section 809. ENFORCEMENT REMEDIES**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of the maximum allowed by law (currently Five Hundred Dollars (\$500.00)) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough.

## **Section 810. APPEALS**

Proceedings for securing review of any ordinance or of any decision, determination or order of the Borough Council, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, amended.

## **Section 811. CONDITIONAL USE PROCEDURES**

1. Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Borough. Such application shall include all information specified for a zoning permit application in Section 801 of this Ordinance and any other information necessary to allow the Borough Council to determine that all requirements of this Ordinance have been met.

2. Review

After receiving an application, the Borough Council shall refer one (1) copy of the application to the Borough Planning Commission for its review and one (1) copy to the Borough Zoning Officer for his review. The application shall be reviewed at one or more advertised meetings of the Council, and the Council shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Borough. The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Borough's Subdivision and Land Development Ordinance.

3. Standards

Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable zoning district requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

- a. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
- b. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- c. Services and utilities such as public water, sanitary sewers, and stormwater drainage shall be made available to adequately service the proposed use by the applicant.
- d. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.
- e. The natural features and processes characterizing the site and its surroundings will not suffer unmitigated degradation.
- f. The use is appropriate to the site in question.
- g. The use shall not adversely affect the character of neither the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately

safeguarded.

- h. Adequate parking spaces for Use, as required by this or other ordinance or regulation as demonstrated in a report submitted by the applicant and subject to approval by the Borough.
- i. Adequate pedestrian flow for Use, as required by this or other ordinance or regulation as demonstrated in a report submitted by the applicant and subject to approval by the Borough.
- j. Adequate vehicular flow for Use, as required by this or other ordinance or regulation as demonstrated in a report submitted by the applicant and subject to approval by the Borough.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in Section 811.3 and those specified elsewhere in this Ordinance for the use in question will be met.

The Borough Council may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, hours of operation, lighting, number of employees, and the minimizing of potentially noxious, offensive, or hazardous elements.

## **ARTICLE IX - ZONING HEARING BOARD**

### **Section 900. CREATION AND ORGANIZATION**

The Borough Council shall appoint a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Borough appointed by the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and removed, serve and perform all the duties and have all the powers as prescribed by said Code and as herein provided.

The Borough Council may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said code.

1. Organization - The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Borough and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.
2. Meetings - Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.
3. Minutes and Records - The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Borough Secretary. Such records shall be the property of the Borough. The Board shall submit a report of its activities to the Borough Council.

### **Section 901. PUBLIC HEARINGS**

The Board shall conduct public hearings and make decisions in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the following requirements:

1. Public notice as defined by law shall be given and written notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
2. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
3. The parties to the hearing shall be the Borough, any person affected by the

application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

4. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing 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.
8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
9. 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 therefore. Conclusions based on any provisions of this Ordinance 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 or findings are 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 the 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 of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on 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 hereinabove provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in subsection 1 of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in the subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of

competent jurisdiction.

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
11. The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
12. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

## **Section 902. FUNCTIONS OF THE ZONING HEARING BOARD**

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
2. The jurisdictions of the Zoning Hearing Board and the Borough Council and the procedures to be followed by each, shall be as established in said Code.
3. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.
4. Variances

The Zoning Hearing Board may authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

- c. That such unnecessary hardship has not been created by the appellant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- f. Such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.

5. Special Exceptions

The Zoning Hearing Board may issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

- a. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception.
- b. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
- c. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of neither property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
- d. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- e. Services and utilities such as public water, sanitary sewers, and storm water drainage shall be made available to adequately service the proposed use by the applicant.
- f. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.
- g. Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
- h. Consideration shall be given to such other considerations as may be set



forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery and trees as a sight and/or sound barrier, and the minimizing of potentially noxious, offensive or hazardous elements.

6. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.

### **Section 903. PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD**

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Borough Council, shall be submitted to the Zoning Officer. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

### **Section 904. TIME LIMITATIONS**

1. If the Zoning Hearing Board grants a special exception or variance, approves the issuance of a permit or authorizes other action to be taken by an applicant, the necessary permit(s) shall be secured and the authorized action begun within three (3) months after the date of the grant of the special exception, variance, approval, authorization or approval of the permit or authorization of other action, as the case may be, unless a longer time is specified by the Zoning Hearing Board.
2. If the applicant fails to obtain necessary permits within the said three (3) months or such specified longer time, the granted special exception or variance, the issued permit(s) or other authorized actions shall automatically expire.
3. If the applicant commences construction or alteration within three (3) months or such specified longer time but fails to complete the work within one (1) year or a specified longer time, the granted special exception, variance, the issued permit or other authorized action shall automatically expire.

**Section 905. REVIEW OF APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES BY THE BOROUGH PLANNING COMMISSION AND THE BOROUGH COUNCIL**

The Zoning Officer shall immediately upon receipt forward a copy of any application for a Special Exception or Variance to the Borough Planning Commission and the Borough Council for review and comment prior to the hearing held by the Board on such application.

## ARTICLE X - ENACTMENT

### Section 1000. PUBLIC UTILITIES CORPORATION EXEMPTED

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

### Section 1001. SEVERABILITY

If any article, section, subsection, provision, regulations, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word, or remaining portion of the Zoning Ordinance. The Borough Council of St. Lawrence Borough, Berks County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

### Section 1002. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance, provided however, that the provisions of this Zoning Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance.

### Section 1003. EFFECTIVE DATE

This Ordinance shall become effective immediately upon final enactment.

Duly enacted by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania this 14<sup>th</sup> day of June, 2012 in lawful session duly assembled.

BOROUGH OF ST. LAWRENCE,  
BERKS COUNTY, PENNSYLVANIA

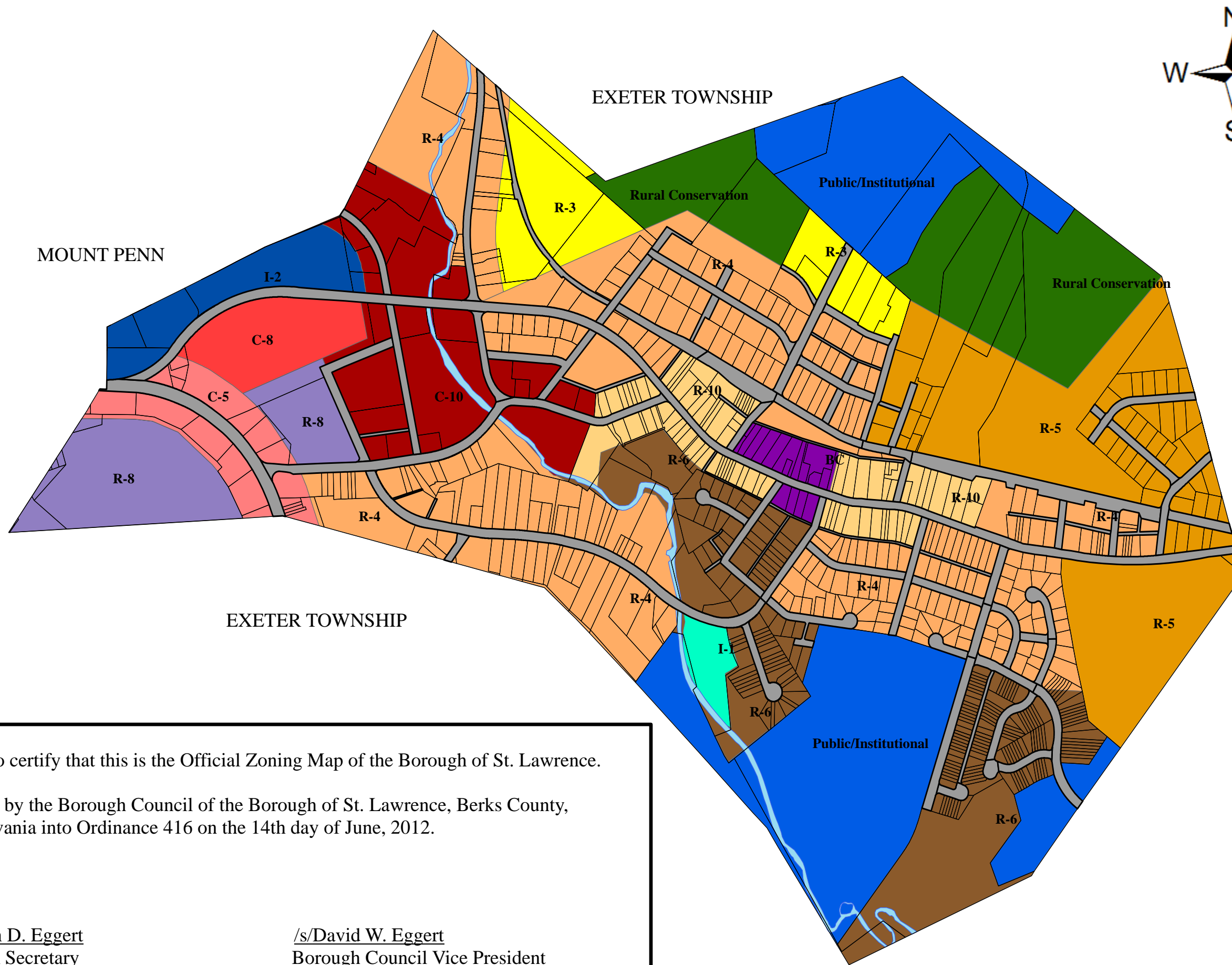
By:   
David W. Eggert, Vice-President of Borough Council

Attest:   
Susan D. Eggert, Borough Secretary

Approved as an Ordinance this 14<sup>th</sup> day of June, 2012.

A handwritten signature in black ink, appearing to read 'mcfritz', written over a horizontal line.

Michael C. Fritz, Mayor



OFFICIAL ZONING MAP  
ST. LAWRENCE BOROUGH  
BERKS COUNTY, PA

- Legend:
- ST. LAWRENCE BY DISTRICT**
- BC
  - C-10
  - C-8
  - C-5
  - I-1
  - I-2
  - R-10
  - R-3
  - R-4
  - R-5
  - R-6
  - R-8
  - Public/Institutional
  - Rural Conservation

650 0 650  
Scale: 1" = 650'

BOROUGH OF ST. LAWRENCE  
MAILING ADDRESS:  
3540 ST LAWRENCE AVE  
READING, PA 19606  
TELEPHONE:  
610-779-1430

Official Zoning Map

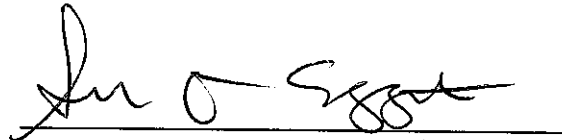


This is to certify that this is the Official Zoning Map of the Borough of St. Lawrence.  
Adopted by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania into Ordinance 416 on the 14th day of June, 2012.  
Attest:  
  
/s/ Susan D. Eggert  
Borough Secretary  
Susan D. Eggert  
  
/s/David W. Eggert  
Borough Council Vice President  
David W Eggert

## MUNICIPAL CERTIFICATION

I, Susan D. Eggert, Secretary of the BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 416 was advertised in the Reading Eagle, a daily newspaper of general circulation in the Borough of St. Lawrence, on May 24, 2012 and May 31, 2012, and was duly enacted and approved as set forth at a Regular Meeting of the Borough Council held on June 14, 2012.

[Seal]

A handwritten signature in black ink, appearing to read "Susan D. Eggert", written over a horizontal line.

Susan D. Eggert, Borough Secretary

Date: June 14, 2012