

Part 6

Supplemental Regulations

§601. Off-Street Parking.

1. General Regulations.

A. Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

B. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Outdoor parking space, and the approaches thereto, shall be paved or covered with gravel or cinders. There shall be no mud driveways. Such outdoor parking space shall not be used to satisfy any open space requirements of the lot on which it is located.

C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement, approved by the Borough Solicitor and accepted by the Borough Council, shall be filed with the application for a zoning permit.

E. Surfacing. Any off-street parking area shall be graded so that water is not diverted to adjoining property at any greater rate than prior to construction, and shall be surfaced so as to provide a durable and dustless surface, such as crushed stone or equivalent concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

F. Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

G. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an

access drive per lane of traffic not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Driveways for residential uses shall not be constructed closer than three (3) feet to any lot line. [Ord. 8/4/1992]

2. Parking Facilities Required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

A. Residential. At least two (2) off-street parking spaces must be provided for each dwelling unit in single or two (2) family dwellings. Dwellings with three (3) or more units must have a minimum of one and one-half (1-1/2) spaces for each dwelling unit.

B. Commercial.

(1) C-1 General Commercial Parking. One (1) per seventy (70) square feet of sales area.

(2) Off-street loading. One (1) bay for each establishment.

C. Neighborhood Groceries.

(1) Parking: A minimum of four (4) spaces.

(2) Off-street loading. One (1) bay for each establishment.

D. Standards.

(1) Gross leasable floor space is defined as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

(2) Off-street parking facilities for residential and general commercial uses including neighborhood groceries shall have stalls of no less than nine (9) feet by eighteen (18) feet and adequate provision for internal circulation, egress, and exit.

(Ord. 8/4/1981, §601; as amended by Ord. 8/4/1992, 8/4/1992)

§602. Signs.

1. Erection and Maintenance of Signs. Signs may be erected and maintained only when in compliance with the provisions of this Section and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

2. Signs in Residential Districts. The following types of signs and no other shall be permitted in the residential districts. All signs shall be subject to all general regulations, §602(4) hereof.

A. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (1) the size of any such sign is not in excess of five (5) square feet; and (2) not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage.

B. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder, or agent may be erected and maintained; provided, (1) The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and (2) not more than one (1) such sign is erected on each five hundred (500) feet of street frontage.

C. Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in §602(2)(A), hereof, are complied with.

D. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected; provided, (1) the size thereof is not in excess of six (6) square feet; and (2) such signs are removed promptly upon completion of the work.

E. Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two (2) square feet.

F. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained; provided, (1) the size of any such sign is not in excess of twenty (20) square feet; and (2) not more than one (1) sign is placed on a property in a single and separate ownership, unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage.

G. Signs advertising home occupations shall not be larger than twelve (12) inches by twenty-four (24) inches, and may include the name, occupation, and logotype or trademark, if appropriate, of the practitioner. Such signs shall not be illuminated, with the exception of medical offices during the hours such offices are open for the care of patients.

H. Signs advertising the sale of farm products when permitted by this Chapter; provided, (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two (2) signs are used; and (3) the signs shall be displayed only when such products are on sale.

I. Official traffic and street name signs when erected by, or with the written approval of, the Borough Council.

J. Signs necessary for the identification, operation or

protection of public utility facilities and municipal uses; however, all general regulations, §602(4), shall apply to such signs.

3. Business Identification Signs. Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts. The size of business identification signs shall not exceed forty (40) square feet of surface area and not more than twenty (20) square feet on each side; however, all general regulations, §602(4), shall apply to such signs.

4. General Regulations for All Signs. The following regulations shall apply to all permitted sign uses:

A. Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.

B. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

C. No sign, other than an official traffic sign, shall be erected within the right-of-way of any street unless authorized by Borough Council for a special purpose.

D. No sign shall project over a public sidewalk area more than eighteen (18) inches.

E. Overhead signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottom-most part of the sign.

F. No sign shall exceed twenty (20) feet in height.

G. No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in §602(2), "Signs in Residential Districts," with area not more than six (6) square feet.

H. A permit shall be required for the erection or alteration of business identification signs.

I. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

J. Each sign shall be removed when the circumstances leading to its erection no longer apply. At no time shall there be more than one (1) sign on each street frontage.

K. In all districts, only those signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.

L. Temporary signs advertising a sale or event sponsored by a civic or religious group, provided that such signs shall not be displayed in excess of one (1) month and shall be removed promptly after the event.

M. Business signs may be erected and maintained provided that (1) the area of one (1) side of any free-standing sign shall not exceed twenty (20) square feet, and (2) not more than one (1) such

sign shall be erected on each street frontage. In addition, the area of any sign attached to a building shall not exceed ten (10%) percent of the wall area on which the sign is placed and the sign placed on any building or lot shall relate to the business on the premises.

5. Prohibited Uses and Signs. The following are not permitted:

A. No animated, sequential, flashing or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights or other controls, or abrogate public safety shall not be permitted in any district.

B. No light shall be higher than five (5) feet above the maximum building height on which the light is erected.

6. General Regulations for Lighting.

A. All lighting shall be shielded and shall be designed so that it does not reflect or beam onto adjacent properties. No lighting shall be permitted which is of so great an intensity as to constitute a nuisance to neighboring properties.

B. No light shall be higher than five (5) feet above the maximum building height on which the light is erected.

(Ord. 8/4/1981, §602; as amended by Ord. 8/4/1992, 8/4/1992)

§603. Conditional Uses. Uses specified as conditional within the district regulations of this Chapter shall be permitted only after review by the Planning Commission and approval by the Borough Council based on the determination that the conditional use is appropriate to the specific location for which it is proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Chapter. Where the Borough Council, in this Chapter, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 8/4/1992]

(Ord. 8/4/1981, §603; as amended by Ord. 8/4/1992, 8/4/1992)

§604. Conditional Use for Mobile Home Parks. Where provided as a conditional use, mobile home parks must satisfy the following requirements, as well as those contained elsewhere in this Chapter:

1. Minimum yard and area requirements shall be required for individual spaces as follows:

<u>Lot Area</u>	<u>Width</u>	<u>Depth</u>	<u>Set Back</u>	<u>Side Yard</u>	<u>Rear Yard</u>
4,500 sq. ft.	90 ft.	50 ft.	22 ft.	9 ft.	9 ft.

2. Individual mobile homes must be installed with their longest axis parallel to the adjoining street.

3. Off-street parking space shall be provided at the rate of at least two (2) spaces for each mobile home lot plus additional car space for each five (5) lots to provide for guest parking and for delivery and service vehicles.

4. Pavement Widths.

A. The major road leading into the park must have at least a forty (40) foot right-of-way and thirty-eight (38) foot cartway.

B. All streets with guest parking both sides - forth (40) feet minimum right-of-way.

C. All other streets - twenty-two (22) feet minimum right-of-way.

5. The park must be serviced by public sanitary sewer and public water, or have a packet treatment plant. Screen planting of trees, evergreens, hedges or shrubs may be required where differing adjacent land uses occur.

6. Skirting is required within three (3) months of installation of the individual mobile home.

7. No individual mobile home shall be installed of smaller width than twelve (12) feet.

8. Utility sheds are required and exposed fuel tanks are to be located to the rear of the lot.

9. In addition to meeting the above requirements and conforming to other laws of the Borough, County or State, mobile home parks shall also conform to the requirements set forth in the Minimum Property Standards for Mobile Home Courts, of the Federal Housing Administration; provided, where provisions of such regulations conflict with those of the existing Borough, County or State, the most restrictive or those imposing the higher standards shall govern.

(Ord. 8/4/1981; as added by Ord. 8/4/1992, 8/4/1992)

§604.1 Conditional Use in C-1 General Commercial Districts. Where provided as a conditional use, such uses in a C-1 General Commercial District must satisfy the area and bulk, minimum setback, height, coverage and off-street parking requirements for uses in a high density residential district rather than the area and bulk, setback, height, coverage and off-street parking requirements otherwise provided for in a C-1 General Commercial District. (Ord. 8/4/1981, §604.1; as added by Ord. 1993-1, 5/4/1993, §4)

§605. Special Exceptions. Where the Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. (Ord. 8/14/1981, §604; as amended by Ord. 8/4/1992, 8/4/1992)

§606. Swimming Pools.

1. Private Swimming Pools. Private swimming pools, in districts where permitted, shall comply with the following conditions and requirements:

A. The pool is intended, and is to be used, solely for the enjoyment of the occupants of a principal use of the property on which it is located.

B. It may be located only in the rear yard or side yard of the property on which it is an accessory use.

C. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than twenty (20) feet to any property line of the property on which located.

D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four (4) feet in height and maintained in good condition.

2. Public Swimming Pools. Public swimming pools in districts where permitted shall comply with the conditions set forth in:

A. "Public Bathing Law," 1931, June 23, P.L. 899, and amendments thereto.

B. Title 25, §193.1 et seq. of the Pa. Code, and amendments thereto. [Ord. 8/4/1992]

(Ord. 8/4/1981, §605; as amended by Ord. 8/4/1992, 8/4/1992)

§607. Projections into Required Yard. The following projections into yards and courts shall be permitted:

1. Cornices, eaves, belt courses, sills or other similar architectural features, exterior stairway, fire escape or other required means of egress, rain lead or chimney may extend or project into a required yard not more than two (2) feet.

2. No patio or paved terrace shall be located within five (5) feet of any property line or between the building setback line and the right-of-way line.

(Ord. 8/4/1981, §606)

§608. Front Yard Exception. In any use district when fifty (50%) percent or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings having front yards of less depth than that required for that particular use district, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage; provided, however, that in no case shall the setback be less than ten (10) feet from the curb line.

(Ord. 8/4/1981, §607)

§609. Intersection Clearance. On a corner lot, no fence, structure or planting higher than two (2) feet above the curb or street line shall be

permitted within a triangle described by fifteen (15) feet lines extended along the right-of-way lines from the intersection. (Ord. 8/4/1981, §608)

§610. Nonconforming Use.

1. Registration. Nonconforming uses shall be registered within six (6) months of the effective date of this Chapter. The Zoning Officer shall identify, register, and certify the registration of all nonconforming uses and nonconforming structures. A certification of nonconformance shall be issued by the Zoning Officer for all structures and uses which are in conflict with the use designated for the zone in which they are situated, when requested by the owner of such structure or use. Appeals may be taken to the Zoning Hearing Board.

2. Continuation.

A. Any lawful use of a structure or land existing at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter.

B. Continuation of use of a structure or land shall not be permitted if the use was unlawfully established as a nonconforming use under any previous zoning ordinance for the Borough of Beech Creek.

3. Extensions.

A. A nonconforming use of a building may be extended throughout the building if no structural alterations are made therein; provided that such extension may include structural alterations when authorized as a special exception when the Zoning Hearing Board finds that such structural alterations will not adversely affect adjoining property.

B. A nonconforming use or a nonconforming structure may be extended on the lot after the prohibitory provision took effect but not in violation of the area and yard requirements of the district in which such structure or premises are located, or in violation of the use regulations which would apply to the nonconforming use or structure if the same were located in an area permitting the use. The more restrictive yard requirements shall apply.

4. Nonconforming Lots of Record.

A. In any district in which single-family houses are permitted, a single-family house and customary accessory building may be erected on any lot of record in existence at the effective date of this Chapter. Consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of resubdividing the area when two (2) or more nonconforming lots have continuous frontage and are in single ownership.

B. These provisions shall apply even though such lot fails to meet requirements of side, front or rear yards or the minimum lot area requirements applicable in the district in which the lot is located.

5. Repairs.

A. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations not extending the nonconforming use, except as otherwise provided herein.



B. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

C. Any nonconforming building or structure damaged, destroyed by fire, explosion, act of God or any other cause not within the control of the owner, not greater than eighty (80%) percent of its existing floor area or volume, may be restored, reconstructed or used as before, provided that the volume of such use, building or structure shall not exceed the volume which existed prior to such damage, and that it may be completed within one (1) year of such events.

6. Changes. A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a special exception by the Zoning Hearing Board. [Ord. 8/4/1992]

7. Abandonment. If a nonconforming use of a building or land ceases for a period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter.

8. Building Permits. In a case where a building permit has been issued prior to the effective date of this Chapter, and the proposed use of land and/or building does not conform with this Chapter, said proposed use shall be regulated by the nonconforming use requirements of this Chapter and shall be considered the same as a lawful nonconforming use if construction other than excavation and foundations is undertaken within a period of thirty (30) calendar days after the issuance date of said building permit and construction thereof is completed within twelve (12) calendar months from the issuance date of the building permit.

(Ord. 8/4/1981, §609; as amended by Ord. 8/4/1992, 8/4/1992)

§611. Junkyards; Including Automobile Wreckings. No new junkyards shall be permitted within the Borough limits after the date of passage of this Chapter. Such uses existing at said date of adoption may continue their operations as nonconforming uses, but shall terminate within one (1) year unless they comply with the following provisions: [Ord. 8/4/1992]

A. A living fence shall be established within one (1) year of the passage of this Chapter to completely enclose the junkyard.

B. A living fence may be established no closer than ten (10) feet to any property line.

C. Plant material to be used for the living fence must attain an average height of six (6) feet within eight (8) years of the passage of this Chapter. Plant material should preferably be evergreen trees or shrubs including, but not limited to, Scotch Pines, Red Pine, Australian Pine, Norway Spruce, or American Arborvitae material. Other material recommended for use include Multiflora Rose, or Rhamnus Frangula Columnaris (Tallhedge). The suitability of the plant material shall be determined by the Planning Commission.

D. If evergreens are to be used, they shall be planted in double rows about six (6) feet apart, with offset spacing.

E. Tallhedge, or Multiflora Rose, when used, shall be planted in single rows on two (2) foot centers.

(XVII, sec. 611, cont'd)

F. Existing junkyards shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor cause the breeding or harboring of rats, flies, or other vermin.

(Ord. 8/4/1981, §610; as amended by Ord. 8/4/1992, 8/4/1992)