

## Chapter 290

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**[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek 8-14-1981 (Ch. XXVII of the 1978 Code of Ordinances). Amendments noted where applicable.]**

## ARTICLE I General Provisions

### § 290-1. Short title.

This chapter shall be known and may be cited as the "Beech Creek Borough Zoning Ordinance of 1980."

### § 290-2. Purpose.

This chapter has been prepared in accordance with the Beech Creek Master Plan as updated in 1979, with consideration for the character of the Borough, its various parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes:

- A. To promote, protect, and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds, other public requirements as well.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

### § 290-3. Zoning Hearing Board.

In accordance with Article IX of Act 247 of the Commonwealth of Pennsylvania,<sup>1</sup> a Zoning Hearing Board is hereby created and shall have the number of members and such powers and authority as set forth in said Act and this chapter. The duly established Zoning Hearing Board may, from time to time, be herein referred to as the "Board" and unless otherwise clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

1. Editor's Note: See 53 P.S. § 10901 et seq.

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1. Editor's Note: See 53 P.S. § 10901 et seq.

**§ 290-4. Interpretation.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this chapter, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants, buildings restrictions, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of the building, or requires a larger open space than is imposed or required by such ordinance, rule, regulation or permit, or by easements, covenants, building restrictions or agreements, the provisions of this chapter shall control.

**§ 290-5. Uses not specifically provided for in chapter.**

Whenever, in any district established under this chapter, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter.

## ARTICLE II

**Community Development Objectives****§ 290-6. Community development objectives.**

This chapter has been adopted in part to assist in carrying out the goals and objectives of the Master Plan. The community development objectives supplement the proposed land use patterns and include, but are not limited to, the following, to:

- A. Provide for the preservation, protection, management and enhancement of Beech Creek Borough's natural and man-made resources and environmental qualities for present and future generations.
- B. Control industrial development in proper and suitable locations so that land uses will complement one another and minimize dangers to environmental quality and community existence.
- C. Provide sufficient recreational opportunities for residents to meet the needs of increasing leisure time and insure the proper handling of existing and future programs and facilities.
- D. Provide, in an economical and aesthetically beneficial manner, the various facilities and services necessary to meet the existing and future needs of the community in a way that is compatible with the natural and man-made environment.
- E. Upgrade commercial services and establishments in the Central Business District enabling a more suitable condition for resident participation and encouragement of new development.

- F. Establish realistic population densities in order to insure adequate circulation, health standards, privacy and open space and in order to provide utilities, protection, services and facilities in the most efficient and convenient manner.
- G. Achieve the best use of land within the Borough, insuring that varying land uses will complement one another and thus improve the economic base and provide for increased aesthetic and cultural values.
- H. Eliminate traffic congestion and improve access to commercial and industrial locations and provide safer conditions for both pedestrian and vehicle operations.
- I. Encourage and promote the provisions of a wide-range and variety of decent, safe, and sanitary housing to meet the needs of all Borough residents.

### ARTICLE III Terminology

#### § 290-7. Word usage. [Amended 8-4-1992 by Ord. No. 8/4/1992]

It is not intended that this section include only words used or referred to in this chapter. The words are included in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

- A. Words used in the present tense include the future tense.
- B. The word "person" includes a profit or nonprofit corporation, company, partnership, or individual.
- C. The words "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- D. The word "building" includes structure.
- E. The word "lot" includes plot or parcel.
- F. The word "shall" is always mandatory.

#### § 290-8. Definitions. [Amended 8-4-1992 by Ord. No. 8/4/1992]

For the purpose of this chapter, the following words, terms, and phrases have the meaning herein indicated:

**ACCESSORY BUILDING** — A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACT 247 — The Pennsylvania Municipalities Planning Code, as amended.<sup>2</sup> The law, passed July 31, 1968, is the enabling legislation which permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

ALLEY — Any public thoroughfare in the Borough shown on the Borough Map of the Borough and open to travel by the public and designed and intended primarily as a means of access to and from the rear of properties.

ALTERATIONS — As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

AMENDMENT — Change in use in any district which includes revisions to the zoning text and/or the Official Zoning Map; and, the authority for any amendment lies solely with the Board of Supervisors.

ANIMAL HOSPITAL — A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

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

AREA, LOT — The total area within the lot lines.

BASEMENT — A portion of a building located partly underground, but having less than 1/2 its clear floor-to-ceiling height below the average grade of the adjoining ground.

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

BOARD — Any body granted jurisdiction under a land use ordinance or under this chapter to render final adjudications.

BOARDING HOUSE — Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

BUILDING — Any structure having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING LINE — The line of a structure or building existing at the effective date of this chapter or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

BUILDING, DETACHED — Building surrounded by open spaces on the same lot.

2. Editor's Note: See 53 P.S. § 10101 et seq.

**BUILDING, FRONT LINE OF** — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**BUILDING, HEIGHT OF** — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal use of the lot on which it is located.

**BUSINESS IDENTIFICATION SIGN** — A sign bearing the name of the occupant of a premises and the name of products manufactured, processed, sold or displayed thereon.

**CARPORT** — An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

**CARTWAY** — That portion of streets lying between the curblines and designed and intended primarily for vehicular travel.

**CELLAR** — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**COMPREHENSIVE PLAN** — A Comprehensive Plan (or community development plan) consists of maps, charts, and textual matter, and indicates the recommendations of the Planning Commission for the continuing development of the Borough. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the Borough and its proposed development to the adjacent municipalities and areas.

**CONDITIONAL USE** — A use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq.

**CONDOMINIUM** — Form of property ownership providing for individual ownership of a specific apartment or other space not necessarily on ground level together with an undivided interest in the land or other parts of the structure in common with other owners. A condominium is considered permissible under the same standards as a townhouse or garden apartment.

**COURT** — An unoccupied open space, other than a yard, on the lot with a building, which is bounded on two or more sides by the walls of such building.

- A. **COURT, INNER** — A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.
- B. **COURT, OUTER** — Court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.



**COVERAGE** — That portion or percentage of the plot or lot area covered by the building area.

**CURB LEVEL** — The officially established grade of the curb in front of the midpoint of the lot.

**DECISION** — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the Borough lies.

**DENSITY** — A measure of the number of dwelling units which occupy, or may occupy, an area of land.

**DENSITY FACTOR** — Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

**DENSITY, GROSS RESIDENTIAL** — The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access areas, sidewalks, parks, playgrounds, common open, etc.

**DENSITY, NET RESIDENTIAL** — The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

**DETERMINATION** — Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Borough Council;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development or Planned Residential Development Ordinances. Determinations shall be appealable only to the Boards designated as having jurisdiction for such appeal.

**DOG KENNEL** — The keeping of four or more dogs that are more than six months old.

**DUMP** — A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DWELLING** — A building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants. The term "dwelling" as used herein shall include rooming houses and multifamily dwellings as well as single-family dwellings unless otherwise indicated.

**DWELLING TYPES** —

- A. **RESIDENTIAL CONVERSION UNIT** — To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural

shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.

- B. SINGLE-FAMILY DETACHED — A dwelling unit accommodating a single family and having two side yards.
- C. SINGLE-FAMILY SEMIDETACHED — A multifamily dwelling consisting of two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- D. TWO-FAMILY DETACHED — A multifamily dwelling consisting of two dwelling units accommodating two families which are located one over the other, and having two side yards.
- E. TWO-FAMILY SEMIDETACHED — A multifamily dwelling consisting of four dwelling units accommodating four families, two units of which are located directly over the other units. A combination of both the single-family semidetached and the two-family detached structures.
- F. TOWNHOUSE (ROW DWELLING) — A multifamily dwelling consisting of three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two stories in height, but may conceivably be either one or three stories in height.
- G. GARDEN APARTMENTS — A multifamily dwelling consisting of three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first-story end unit. Single-family dwelling units are generally built a height of only two stories. Each dwelling unit is accessible by a common stairwell.
- H. APARTMENT HOUSE — A multifamily dwelling consisting of a structure, consisting of a series of single-story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height. For the purpose of this chapter:
  - (1) A low-rise apartment structure shall not be greater than three stories in height;
  - (2) A mid-rise apartment structure shall not be greater than five stories in height.
- I. DWELLING UNIT — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

ELECTRIC SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

ELECTRONIC NOTICE — Notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the

hearing, pursuant to 53 P.S. § 10109. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

**FAMILY** — One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.

**FLOODPLAIN** — The FP Floodplain District is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow.

**FLOOR AREA RETAIL, NET** — All that space relegated to use by the customer and the retail employee to consumer retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space, and other general administrative areas.

**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, which does not involve any land development. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

**GARAGE, PRIVATE** — An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

**GARAGE, PUBLIC** — Any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**GARDENING** — See "home gardening."

**GRADE, ESTABLISHMENT** — The elevation of the center line of the streets as officially established by the Borough authorities.

**GRADE, FINISHED** — The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**HOME GARDENING** — The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

**HOME OCCUPATION** — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, no more than 25% of the building floor area is used, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

**HOSPITAL** — Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**HOTEL** — A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied, for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

**JUNKYARD** — A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

**KENNEL** — See "dog kennel."

**LANDSCAPE AREA** — The minimum square footage of lot area that is available for the use of the residents of a dwelling unit complex in which it is located or a part of the required area of a commercial or industrial development. This area must be both unsurfaced and water absorbent, and no more than 1/3 of this total space footage requirement may be made up of the area located within the setback requirements for the front, side, or rear yards of the complex.

**LAUNDERETTE** — A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

**LIGHTING** —

- A. **DIFFUSED** — That form of lighting wherein the lights pass from the source through a translucent cover or shade.
- B. **DIRECT or FLOOD** — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- C. **INDIRECT** — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LINE, STREET** — The dividing line between the street and the lot.

**LODGING HOUSE** — Building in which three or more, but not more than 15 rooms, are rented and in which no table board is furnished.

**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.

**LOT, CORNER** — A parcel of land at the junction of land abutting on two or more intersecting streets.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT, LINES** — The lines bounding a lot as defined herein,

**MAILED NOTICE** — Notice given by a municipality by first-class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

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

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 or more mobile home lots for the placement thereon of mobile homes.

MOTORIZED RECREATIONAL VEHICLE — A motorized vehicle used customarily for human habitation or recreational activities during tours or vacation periods, including but not limited to travel homes, motor homes, truck campers, and any other similar vehicle. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

MUNICIPAL AUTHORITY — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."<sup>3</sup>

NEIGHBORHOOD GROCERY — A commercial establishment which primarily offers foods for sale, but which may also sell various other products such as convenience goods normally associated with grocery store sales. A neighborhood grocery store is designed and intended solely for the use of residents of the immediate area within the community; it is not intended to serve the community as a whole, nor a regional market beyond the community.

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: **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

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3. Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (6-19-2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

- E. 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.
- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**NONCONFORMING LOT** — A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

**NONMOTORIZED RECREATIONAL VEHICLE** — A nonmotorized vehicle capable of being towed by a motorized vehicle and used customarily for human habitation or recreational activities during tours or vacation periods, including but not limited to travel trailers, campers, tent campers, trailers, boats and trailers, snowmobiles and trailers, and any other similar vehicle. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

**NURSING OR CONVALESCENT HOME** — Any dwelling with less than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**OFF-SITE SEWER SERVICE** — Sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

**ON-SITE SEWER SERVICE** — A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

**OPEN PIT MINING** — Shall include all activity which removes from the surface or beneath the surface of the land some material resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. "Open pit mining" includes,

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

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 or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL AUTHORITY — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."<sup>3</sup>

NEIGHBORHOOD GROCERY — A commercial establishment which primarily offers foods for sale, but which may also sell various other products such as convenience goods normally associated with grocery store sales. A neighborhood grocery store is designed and intended solely for the use of residents of the immediate area within the community; it is not intended to serve the community as a whole, nor a regional market beyond the community.

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: **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. 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.
- F. 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.

3. Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (6-19-2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

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**OPEN SPACE** — A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

**PLANNED RESIDENTIAL DEVELOPMENT** — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this chapter.

**PLAT** — A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.



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**PLAT** — A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**PORCH** — A covered area in excess of four feet by five feet or 20 square feet in area at a front, side, or rear door.

**PREMISES** — Any lot, parcel or tract of land and any building constructed thereon.

**PROFESSION** — Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill in the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

**PROPERTY LINE** — A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the full right-of-way.

**PUBLIC GROUNDS** — Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

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

**PUBLIC MEETING** — A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

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

**PUBLIC USES** — Includes public and semipublic uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports; fraternal clubs and homes; nonprofit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

**RECREATIONAL VEHICLE** — A motorized or nonmotorized recreational vehicle. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

**REPORT** — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESIDENTIAL CONVERSION UNIT** — See "dwelling types."

**RIDING ACADEMY** — Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**ROAD CLASSIFICATION** — Setback distances in this chapter in accordance with the type of roadways abutting the properties. For the purpose of this chapter, the following definitions are employed.

- A. **MAJOR ARTERIAL** — A limited access highway on which access is provided only from another street and not from abutting properties.
- B. **MINOR ARTERIAL** — A road whose function is to provide for the movement of high volumes of through traffic and direct access to abutting properties; subject to necessary control of entrances, exits, and curb use.
- C. **MAJOR COLLECTOR** — A road, or street, which provides for the movement of large volumes of traffic between arterials and local roads and direct access to abutting property.
- D. **LOCAL** — A road whose function is to provide for local traffic movement and direct access to abutting properties.

**ROOMING HOUSE** — Any dwelling or that part of any dwelling containing one or more rooming units, in which space is rented by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother, or those standing in such relationships of the owner or operator.

**SANATORIUM, SANATORIUM** — An institution for the care of invalids or convalescents consisting of 16 or more sleeping rooms.

PORCH — A covered area in excess of four feet by five feet or 20 square feet in area at a front, side, or rear door.

PREMISES — Any lot, parcel or tract of land and any building constructed thereon.

PROFESSION — Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill in the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

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SANATARIUM, SANATORIUM — An institution for the care of invalids or convalescents consisting of 16 or more sleeping rooms.

SANITARY LANDFILL — A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of:

- A. Depositing the discarded material in a planned controlled manner;
- B. Compacting the discarded material in thin layers to reduce its volume;
- C. Covering the discarded material with a layer of earth; and
- D. Compacting the earth cover.

SCREEN PLANTING — A vegetative material of sufficient height and consistency to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEASONAL RESIDENCE — A dwelling, cabin, lodge or summer house which is intended for occupancy less than 182 days of the year.

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SERVICE STATION — Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

SERVICES, ESSENTIAL — Uses, not enclosed within a building, necessary for the preservation of the public health and safety including, but not limited to, the erection, construction, alteration or maintenance of, public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

SETBACK LINE — The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way.

SIGN — Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

SPECIAL EXCEPTION — A use permitted in a particular zoning district pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq., and § 10901 et seq.

STABLE, PRIVATE — An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC — A building in which any horses are kept for remuneration, hire or sale.

STOOP — A covered or uncovered area at a front, side or rear door not exceeding four feet by five feet or 20 square feet in area.

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

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

**STREET** — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

**STREET RIGHT-OF-WAY LINE** — The line dividing a lot from the full street right-of-way, not just the cartway. The word "street" shall include, but not be limited to, the words "road," "highway," "alley," and "thoroughfare."

**STREET, CENTER LINE** — The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

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

**SUBDIVISION** — The division or redivision 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 subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SWIMMING POOL** —

- A. **PRIVATE** — Any body of water or receptacle for water containing, or normally capable of containing, water to a depth at any point greater than 1 1/2 feet used or intended to be used for swimming or bathing and constructed or installed or maintained in or above the ground, outside any building. Ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. **PUBLIC** — "Public bathing place" shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

**TELEPHONE CENTRAL OFFICE** — A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio telephone messages between subscribers and other business of the telephone company; but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing or repair crews.

**SERVICE STATION** — Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

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**SETBACK LINE** — The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way.

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

**SUBDIVISION** — The division or redivision 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 subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SWIMMING POOL** —

- A. **PRIVATE** — Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than 1 1/2 feet. Ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.
- B. **PUBLIC** — "Public bathing place" shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

**TELEPHONE CENTRAL OFFICE** — A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio telephone messages between subscribers and other business of the telephone company; but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing or repair crews.

**THEATER** — A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

**THEATER, OUTDOOR DRIVE-IN** — An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

**TOURIST CABINS** — A group of buildings, including either separate cabins or a row of cabins, which:

- A. Contain living and sleeping accommodations for transient occupancy; and
- B. Have individual entrances.

**TOURIST HOME** — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**TRAILER** — Any portable or mobile vehicle used or designed to be used for living purposes.

**TRAILER CAMP** — Tract of land:

- A. Where two or more trailers are parked; or



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TRAILER CAMP — Tract of land:

- A. Where two or more trailers are parked; or



- B. Which is used or held out for the purpose of supplying to the public a parking space for two or more trailers.

**TRAVEL TRAILER** — A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this chapter.

**USE** — The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.

**VARIANCE** — Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

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

**YARD** — An unoccupied space open to the sky, on the same lot with a building or structure.

**YARD SIDE** — An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a line or a front line shall be deemed a side line. A building shall not extend into the required side yard.

**YARD, FRONT** — An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**YARD, REAR** — An open unoccupied space on the same lot with a main building, extending the full-width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

**ZONING** — The designation of specified districts within a community or municipality, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

**ZONING MAP** — The Official Zoning Map of "Beech Creek Borough."

**ZONING ORDINANCE** — The "Beech Creek Borough Zoning Ordinance" as amended.

## ARTICLE IV

**Designation of Districts****§ 290-9. General districts. [Amended 5-4-1993 by Ord. No. 1993-1; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

For the purposes of this chapter, the Borough is hereby divided into seven types of districts which shall be designated as follows:

R-1	Low-Density Residential.
R-2	High-Density Residential.
R-3	Transient Residential.
C-1	General Commercial.
A	Agricultural.
P	Public Uses.
I-1	Industrial.

**§ 290-10. Zoning Map.**

The boundaries of said districts shall be shown upon the map attached to and made a part of this chapter which shall, except those treated as floating zones, be designated "Zoning Map." The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.

**§ 290-11. District boundaries.**

Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan of record in the Clinton County Recorder of Deeds office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than 10 feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

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4. Editor's Note: Said map (with any amendments thereto) is on file in the Borough offices.

**§ 290-12. Interpretation of boundaries.**

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to location of district boundaries.

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ARTICLE V  
District Regulations

**§ 290-13. R-1 Low-Density Residential District. [Amended 8-4-1992 by Ord. No. 8/4/1992]**

- A. Purpose. The purpose of the R-1 Low-Density Residential District is to provide for the preservation and orderly expansion of low-density residential development in those areas where public services are available; and to exclude uses not compatible with such low-density residential development. Single-width mobile homes are not permitted in this district.
- B. Permitted uses.
- (1) Single-family detached dwellings and customary accessory uses incidental to this type development, but not including single-width mobile homes.
  - (2) Temporary tract offices and tract signs.
  - (3) Accessory buildings and areas customarily incidental to the above, i.e., private swimming pools.
  - (4) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
  - (5) No-impact home-based business. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Conditional uses.
- (1) Appropriate public uses and essential services.
  - (2) Public swimming pools.
  - (3) Public or privately owned parks and recreational areas.
  - (4) Churches and other places of worship.
  - (5) Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
- D. Area and bulk.
- (1) Minimum lot size: 10,000 square feet.
  - (2) Minimum lot width at setback line: 75 feet.
  - (3) Minimum width for the major section of a single-family detached house: 24 feet.

- (4) Maximum density: 3.63 dwelling units per acre.
- E. Minimum setback.
- (1) Front: 35 feet.
  - (2) Side: 12 feet on one side; 30 feet total for both sides.
  - (3) Rear: 35 feet.
  - (4) Accessory setback: 15 feet.
- F. Height.
- (1) Maximum: 2 1/2 stories or 35 feet, whichever is the lesser.
  - (2) Minimum: one story.
- G. Coverage.
- (1) Maximum total: 35%.

**§ 290-14. R-2 High-Density Residential District. [Amended 8-4-1992 by Ord. No. 8/4/1992]**

- A. Purpose. It is the purpose of the R-2 High-Density Residential District to prevent the overcrowding of land and yet encourage higher density residential uses in those areas where public services are more available, and to provide for the public convenience and avoid congestion of the streets. Single-width mobile homes are not permitted in this district.
- B. Permitted uses.
- (1) Single-family detached dwellings, but not including single-width mobile homes.
  - (2) Single-family semidetached dwellings.
  - (3) Townhouses.
  - (4) Garden apartments.
  - (5) Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
  - (6) Accessory buildings and uses customarily incidental to the above.
  - (7) Private swimming pools.
  - (8) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]
  - (9) No-impact home-based business. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]
- C. Conditional uses.

- (1) Appropriate public uses and essential services.
  - (2) Public or privately owned parks and recreational areas.
  - (3) Churches and other places of worship.
- D. Area and bulk.
- (1) Minimum lot size: 7,500 square feet.
  - (2) Minimum lot width at setback line: 60 feet.
  - (3) Maximum density: 30 dwelling units per acre.
- E. Minimum setback.
- (1) Front: 30 feet.
  - (2) Side: 10 feet on one side; 20 feet total for both sides.
  - (3) Rear: 35 feet.
  - (4) Accessory building: 15 feet.
  - (5) It is required that there is at least 12 feet from front facade of building (the facade containing the main entrance on the ground floor) to the parking areas.
- F. Height: 2 1/2 stories or 35 feet, whichever is the lesser.
- G. Coverage.
- (1) Maximum total: 35%.
  - (2) Not more than 50% of land surface can be made impervious to water absorption.

**§ 290-15. R-3 Transient Residential District. [Amended 8-4-1992 by Ord. No. 8/4/1992]**

- A. Purpose. The purpose of the R-3 Transient Residential District is to provide for the orderly expansion of mobile home uses, to encourage higher density residential uses in those areas where public services are more available, and to provide for the public convenience and avoid congestion of the streets.
- B. Permitted uses.
- (1) Single-family detached dwellings.
  - (2) Single-family semidetached dwellings.
  - (3) Townhouses and garden apartments.
  - (4) Single-width mobile homes and double-width mobile homes.
  - (5) Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
  - (6) Accessory buildings and uses customarily incidental to the above.

- (7) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]
  - (8) No-impact home-based business. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]
- C. Conditional uses.
- (1) Mobile home parks.
  - (2) Appropriate public uses and essential services.
  - (3) Public or privately owned parks and recreational areas.
- D. Area and bulk.
- (1) Minimum lot size: 4,500 square feet.
  - (2) Minimum lot width at setback line: 90 feet.
  - (3) Minimum lot depth: 50 feet.
  - (4) Maximum density: 30 dwelling units per acre.
- E. Minimum setback.
- (1) Front: 22 feet.
  - (2) Side: nine feet.
  - (3) Rear: nine feet.
- F. Height: 2 1/2 stories or 35 feet, whichever is the lesser.
- G. Coverage.
- (1) Maximum total: 35%.
  - (2) Not more than 50% of land surface can be made impervious to water absorption.

**§ 290-16. C-1 General Commercial District. [Amended 5-4-1993 by Ord. No. 1993-1]**

- A. Purpose. The purpose of the C-1 General Commercial District is to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services as well as those of a social, cultural and civic nature; to provide as a conditional use for commercial establishments housed in one building; and to exclude uses not compatible with such activities. Single-width mobile homes are not permitted in this district.
- B. Permitted uses.
- (1) Commercial establishments, excluding junkyards.
  - (2) Accessways to adjacent properties.



- (3) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

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C. Conditional uses.

- (1) Residential conversion units.
- (2) Public uses and essential services deemed appropriate.
- (3) Cultural and civic uses such as community centers, auditoriums, museums, and the offices of such organizations.
- (4) Single-family detached dwellings, but not including single-width mobile homes.
- (5) Single-family semidetached dwelling.
- (6) Townhouses.
- (7) Garden apartments.
- (8) Accessory buildings and uses customarily incidental to the above.
- (9) Private swimming pools.

D. Area and bulk.

- (1) Minimum lot size: 6,000 square feet.
- (2) Minimum lot width: none.
- (3) Maximum density: none.

E. Minimum setback.

- (1) Front: 10 feet.
- (2) Side: None, except when a commercial use abuts any residential (R-1, R-2, R-3) district there shall be a 10 feet minimum side yard setback. In no case shall common walls be permitted between properties of separate ownership. In the case of such a series of adjoining structures on lots of single and separate ownership abutting and paralleling a public right-of-way, an unobstructed passage of at least 20 feet width shall be provided at grade level at intervals not more than 400 feet apart.
- (3) Rear: 20 feet.

F. Height: maximum, 2 1/2 stories or 35 feet, whichever is the lesser.

G. Coverage: maximum total, 75%.

H. Off-street parking. See Article VI, § 290-20.

I. Signs. See Article VI, § 290-21.<sup>5</sup>

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5. Editor's Note: Original § 505, R-O Residential Office, as amended, which immediately followed this subsection, was repealed by Ord. No. 1993-1.

**§ 290-17. A Agricultural District.**

- ~~A. Purpose. The purpose of the A-Agricultural-District is to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives; and to provide appropriate space for recreation use that is compatible with the surrounding districts.~~
- B. Uses permitted. A lot or parcel may be used for any of the following purposes:
- (1) Recreation areas including playgrounds, picnic areas, and other appropriate areas.
  - (2) Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
  - (3) Agricultural uses related to the tilling of land, the raising of horses, and the raising of poultry and poultry products.
  - (4) Buildings. Only those structures deemed appropriate for use on the lot or parcel in the manner indicated above.
  - (5) Single-width mobile home.
  - (6) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Conditional uses. Appropriate public uses and essential services.

**§ 290-18. P Public Use District. [Amended 8-4-1992 by Ord. No. 8/4/1992]**

- A. Purpose. The purpose of the Public Use District is to provide for public and semipublic uses of those areas where public uses have traditionally occurred and to exclude uses not compatible with such public or semipublic use.
- B. Permitted uses.
- (1) Parks and open, nonprofit recreational facilities.
  - (2) Churches and schools.
  - (3) Post office.
  - (4) Civic and cultural centers.
  - (5) Fire stations.
  - (6) Municipal buildings.
  - (7) Easements for alleys, pedestrian walkways.
  - (8) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Conditional uses.
- (1) Easements for public utility rights-of-way.

- (2) Easements for electronic media transmission facilities.

D. Area and bulk.

- (1) Minimum lot size: 10,000 square feet.
- (2) Minimum lot width at setback line: 75 feet.
- (3) Maximum density: 3.5 dwelling units per acre.

E. Minimum setback.

- (1) Front: 25 feet.
- (2) Side: 12 feet on one side; 30 feet total for both sides.
- (3) Rear: 35 feet.

F. Height: 2 1/2 stories or 35 feet, whichever is the lesser.

G. Coverage: maximum total, 20%.

**§ 290-19. I-1 Industrial District.**

A. Purpose. The purpose of the I-1 Industrial District is to provide sufficient space, in appropriate locations, to meet the current and future needs of industrial activity. It is further intended that approved industrial operations will be compatible with adjacent uses.

B. Permitted uses.

- (1) Industrial and manufacturing activities.
- (2) Warehouse and distribution centers.
- (3) Truck and bus terminals and related facilities.
- (4) Repair and maintenance facilities.
- (5) Parking facilities.
- (6) Any facilities required by federal, state or local pollution control authorities.
- (7) Accessory buildings and uses customarily incidental to the above uses.
- (8) Accessways to adjacent properties.
- (9) Commercial uses as set out in the C-1 District.
- (10) Forestry. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

C. Conditional uses. Appropriate public uses and essential services.

D. Area and bulk.

- (1) No minimum lot size or width shall be required.

- (2) Setback.
  - (a) Front setback: 50 feet minimum.
  - (b) Side yard: 20 feet minimum.
  - (c) Rear yard: 20 feet minimum.
  - (d) Contiguous to any residential district: 50 feet minimum.

ARTICLE VI  
Supplemental Regulations

**§ 290-20. Off-street parking. [Amended 8-4-1992 by Ord. No. 8/4/1992]**

A. General regulations.

- (1) 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.
- (2) Each parking space shall consist of not less than an average of 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 feet wide and 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.
- (3) 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.
- (4) 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.
- (5) 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.