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s.101 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING BOUNDARIES THEREOF; CREATING THE OFFICE OF ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of Stewartstown Borough, County of York, by authority of and pursuant to the provision of Articles VI through X of Act No. 247 as amended of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968 and as amended, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I

GENERAL PROVISIONS

s. 102 Short Title

This Ordinance shall be known and may be cited as the "Stewartstown Borough Zoning Ordinance."

s. 103 Purpose

This Zoning Ordinance has been prepared and amended in accordance with the Stewartstown Borough Comprehensive Plan with consideration for the character of the municipality, 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, emergency management, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as
- b) To prevent one or more of the following: Over-crowding of land, blight, danger and congestions in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

s. 104 Zoning Hearing Board

In accordance with Article IX of Act 247 as amended by the Commonwealth of Pennsylvania, 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 Ordinance. 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.

In addition to the Zoning Hearing Board created above, there shall be a Zoning Planning Committee which shall have the number of members determined by the Borough Council. The Planning Committee shall have such powers as prescribed in this Ordinance and as directed by the Borough Council.

s. 105 Uses Not Provided For

Whenever, in any zone established under this Ordinance, a use is neither specifically permitted or 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 zone and in no way is in conflict with the general purpose and intent of this Ordinance.

s. 106 County Authority

The York County Planning Commission is empowered under Section 607, 608 and 609 of the Pennsylvania Municipalities Planning Code (Act 247 as amended) to submit its recommendations on the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposals shall be submitted to the County Planning Commission at least forty-five (45) days prior to the hearing on the Zoning Ordinance by Borough Council.

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

s. 201 Community Development Objectives

This Ordinance provides a legal basis and framework for future Borough development. Its provisions are guided by the policies and proposals contained within the Stewartstown Borough Comprehensive Plan, and include, but are not limited to, the following:

- a) To insure that the land uses of the Borough are logically situated in relation to one another.
- b) To provide adequate space for each type of development in the Borough so as to avoid development in the Borough so as to avoid overcrowding of land.
- c) To preserve residential neighborhood character in portions of the Borough where such character has been established.
- d) To prevent the intrusion of incompatible land uses into established residential areas which would have the effect of undermining the values and character of the existing neighborhood.
- e) To provide for the control of development density so that the populace can be serviced adequately by such facilities as the street, school, recreation, and utility systems.
- f) To protect existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the Borough.
- g) To facilitate the efficient movement of traffic.
- h) To secure the preservation and prudent use of natural resources.
- i) To encourage residential areas to develop into safe and pleasing neighborhood environments, with sound livable housing in a variety of types geared to the physical environment of the area.
- j) To provide for equal opportunities in all facets of Borough living.
- k) To strive for coordination between policies, plans and programs in the Borough through cooperation among governing officials, community interest groups, and the general populace.

To implement and carry out these foregoing objectives, this Ordinance divides the Borough into zones by giving consideration for the present character and the suitability of the land for particular uses and structure. Specific purposes and objectives along with appropriate regulations and safeguards are set forth in the applicable articles contained herein for each zone.

ARTICLE III

GLOSSARY OF ZONING TERMS

s. 301 Application and Interpretation

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated:

- 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.

s. 302 Definition of Terms

For the purposes of this Ordinance, the following words, terms, and phrases have the meaning herein indicated.

Accessory Building - A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building, but not including utility sheds.

Accessory Use - A subordinate use normally located on the same lot with a principal use.

Ordinance 1998-005, 4/6/98, Section 302

Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features persons who appear in a state of nudity; live performances, which are characterized by sexual content or sexually explicit nudity; films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of sexual content or sexually explicit nudity.

Ordinance 1998-005, 4/6/98, Section 302

Adult Entertainment Facility - Any structure, building, or use which is open to the general public in which (20) percent or more of the occupied sales or display area offers for the sale, or rent, lease, loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculptures, still films, motion picture films, video tapes, or similar visual representations distinguished or characterized by an emphasis on sexual content or sexual explicit nudity, or books, pamphlets. Magazines, printed matter, or sound recordings containing explicit or detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual content, or which offers for sale sexual devices. This definition shall also include a building, structure, or a portion thereof, or a use open to the general public, used for presenting motion picture film, video tape, live performances or similar visual representation or materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, and shall also include adult motels, adult cabaret, and adult theaters.

Ordinance 1998-005, 4/6/98, Section 302

Adult Motel - a hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of sexual content or sexually explicit nudity; and has a sign visible from the public right-of-way which advertises the availability of this adult type of entertainment; or

2. Offers sleeping rooms for rent four (4) or more times in one calendar day in any continuous thirty (30) day period.

Ordinance 1998-005, 4/6/98, Section 302

Adult Theater - A commercial establishment, including a theater, concert, hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity either on film, motion pictures, videocassettes, slides, similar photographic reproductions, or in live performances which are characterized by the depiction or description of sexual content or sexually explicit nudity.

Agricultural - The tilling of soil, the raising of crops, horticulture and gardening.

Alley - A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration - 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.

Amendment - A change in use in any zone which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

Animal Hospital - A building used for the medical treatment, of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Area, Floor - The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking or motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment.

Ordinance 2000-007, 11/6/00, Section 302

Banquet Hall / Meeting Room - A facility designated to provide the service of elaborate and/or ceremonious events which must include food provisions or to provide an area in which to conduct a public assembly for a common purpose. The facility is rented by the property owner or agents or persons or organizations for its occasional use. At no time shall any organization be permanently housed in a banquet hall or meeting room.

Basement - A story partly underground by having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Billboard - A sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.

Boarding House - Any dwelling in which three or more 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.

Buffer Yard or Zone - An area, as required by Ordinance, to provide a sight, smell and/or noise barrier between non-residential and residential use of abutting or (across a street or right-of-way) opposite properties.

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

Building Area - The total area of outside dimensions on a horizontal plan at ground level of the principle building and all accessory buildings.

Building Height - A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.

Building Permit - Any permit required by this or other Borough ordinances for the construction, alteration or razing of any structure.

Building Principal - A building in which is conducted or intended to be conducted any principal use of the lot on which it is located.

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.

Cellar - A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

Ordinance 2000-007, 11/6/00, Section 302

Child or Adult Day care facility - Any dwelling, building, or portion thereof, including any on site outdoor play area, where regular or adult day care services other than the following are provided:

1. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.
2. The temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults in their residence.

Ordinance 2000-007, 11/6/00, Section 302

Clubhouse - A facility in a development used by residents therein for some common purpose.

Communal Living Arrangements - Any aggregation of unrelated adults and children or just unrelated adults living together on the basis of membership or adherence to some belief, creed or philosophy. See S.618.c.6.

Community Living Arrangement - A building or structure designed to provide living quarters designed to provide living quarters for not more than four (4) non-related who are disabled who will receive twenty-four (24) hours per day supervision from a State or Federally licenses human service agency, which supervision shall include but not be limited to training in budgeting, nutrition, residential maintenance and other types of self-help skills.

Conversion, Multi-Family - A multi-family dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building. (Not permitted by this Ordinance).

Ordinance 2000-007, 11/6/00, Section 302

Day Care Center - A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

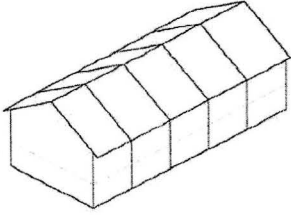
Ordinance 2000-007, 11/6/00, Section 302

Day Care Home - Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which daycare is provided at any one time to up to six non dependant children or adults per day.

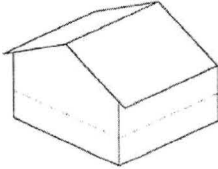
Driveway - A surface other than a street which provides vehicular access from a street or a private road to a lot.

Domiciliary Care Unit - A building or structure designed for living quarters for one family which in addition to providing living quarters for one family, provides, on a state or federally licensed and owner-supervised basis, twenty-four (24) hour supervised, protective living arrangements by the families residing therein for not more than three persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.

Dwelling / Multi-Family Dwelling / Multiplex - Four to ten units, with a maximum of five units on a level.

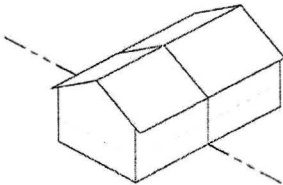


Single-family Detached Dwelling - A building designed and occupied exclusively as a residence for one family.



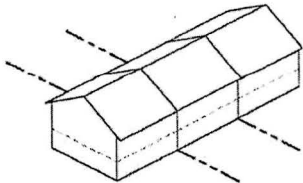
one dwelling unit
no party wall

Single-family Semi-detached Dwelling - A dwelling with one party wall, designed for one family per dwelling, with each dwelling located on a single lot.



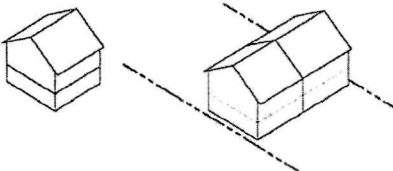
two dwelling units
one party wall

Single-family Attached Dwelling - A dwelling with two or more party walls, designed for one family per dwelling, with each dwelling located on a single lot.



Townhouse
three or more units,
two or more party walls

Two-family Dwelling - A building, sometimes known as a duplex, designed and occupied exclusively as a residence for two families, including two-family dwellings designed with no party wall, with one unit per floor, located on a single lot; two-family dwellings with one party wall, with one family per unit and both units located on a single lot.



two dwelling units
no party walls

two dwelling units
one party wall

Dwelling Unit - A building or portion thereof providing complete housekeeping facilities for not more than one family or person.

Family - A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons, doing their own cooking and living together upon the premises as a separate housekeeping unit, in a domestic relationship based upon birth, marriage or other traditional bond. May include domestic servants and gratuitous guests, but no occupant of a club, fraternal lodging or rooming house.

Fence - Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. The height of all fences and walls or portions thereof, not posts, shall be measured from grade level.

Flood Plain - That area along a natural watercourse which is periodically overflowed by water therefrom and defined by the U.S. Geological Survey and Alluvial Soils as established by the Soil Conservation Service.

Floor Area, Habitable - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars, attics, service rooms or utility rooms, nor unheated areas such as enclosed porches.

Home Occupation - Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and a maximum of one nonresident employee, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, 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.

Impervious Material - Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures and materials.

Industrial Park - An industrial park is an industrial area:

- a) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries.
- b) Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

Inn - Bed and Breakfast - A private home, primary residence of the owner, which also provides over-night rooms and a morning meal on a hire basis.

Junk - Any second hand, used, discarded or scrapped item

Junk Yard - Any outdoor establishment, place of business or use of land which is maintained, used or operated for storing, keeping, buying or selling junk. See S.618.c.4.

Kennel - Any building or buildings and/or land used for the boarding, breeding or training of four or more dogs, cats, fowl or other small domestic animals at least four months of age and kept for the purpose of profit, show hunting, or as pets, but not to include cases involving animals raised for agricultural purposes.

Landscaping - Landscaping shall include, but not be limited to, grass and other live plantings such as trees, shrubs and bushes.

Lot - A plot or parcel of land which is, or in the future may be, offered for sale, lease, conveyance, transfer or improvement as one unit, regardless of the method or methods in which title was acquired. It may be vacant, devoted to a certain use, occupied by a structure or occupied by a group of structures that are united by a common interest or use.

Lot, Area - The area contained within the property line of individual lots of land, excluding any area within a street right-of-way, but including the area of any easement.

Lot, Corner - A parcel of land at the junction of and abutting on two or more intersecting streets.

Lot, Coverage - A percentage which when multiplied by the lot area will determine the permitted building coverage area.

Lot, Double Frontage - A lot other than a corner lot fronting on two streets. The yard in front of the principal building will be the front yard to determine setbacks and lot frontage. The yard in back of the principal building will be the back yard to determine setbacks, accessory uses and structures.

Lot, Interior - A lot other than a corner lot.

Lot Lines - The lines bounding a lot as defined herein.

Lot, Mobile Home - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Lot, Width - The width of a lot measured continuously along the street right-of-way line.

Ordinance 2005-001, 05/02/05, Section 302

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

Mobile Home - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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 Park - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

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

Nonconforming Lot - A lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use provision in this Ordinance or any amendment heretofore and hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provision in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Ordinance 1998-005, 4/6/98, Section 302

Nudity or State of Nudity - The appearance of a human bare buttock, anus, male genitals, female genitals, or female breasts.

Nursing Home - A nursing home (also commonly known as a convalescent home) is a licensed establishment which provides full-time convalescent or chronic care or both where persons are housed or lodged and furnished with meals and nursing care for hire.

Outdoor Recreational Use - A use of open land for leisure time activities such as swimming pool, tennis court, riding stable, golf course, or a drive-in theater.

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

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

Parking Space - An off-street space available for the parking of a motor vehicle and which in this Ordinance is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Patio - Ground level surfaced area.

Porch - A raised appurtenant structure unenclosed, covered or uncovered. This includes a deck.

Principal Use - The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each zone. The main or primary use of property or building measured in terms of gross floor area, or where no gross floor area exists, in terms of gross land area. If more than two principal uses occupy a single lot, each such use must be positioned so that the lot on which such uses are located could subsequently be subdivided, separating each use yet meeting all applicable zone dimensional requirements.

Ordinance 1997-001, 1/6/97, Section 302

Professional Center - A building designated for use as offices for the following: doctors, physicians, dentists, optometrists, opticians, psychiatrists, chiropractors, clergy, architects, engineers, lawyers, artists, musicians, teachers, accountants, insurance agents, real estate brokers and agents, consultants, personnel agencies, travel agencies, government agencies, district justices, stock brokers, beauticians, barbers and such other professional offices as the Zoning Hearing Board shall from time to time determine to be operated on appointment only basis or as low pedestrian and low vehicular traffic. A professional Center may include no more than two other commercial uses.

Ordinance 2000-007, 11/6/00, Section 302

Professional Office Building - A building designated for use as offices for the following: doctors, physicians, dentists, optometrists, opticians, psychiatrists, chiropractors, clergy, architects, engineers, lawyers, artists, musicians, teachers, accountants, insurance agents, real estate brokers and agents, consultants, personnel agencies, travel agencies, government agencies, district justices, stock brokers, beauticians, barbers and such other professional offices as the Zoning Hearing Board shall from time to time determine to be operated on appointment only basis or as low pedestrian and low vehicular traffic. Retail use of the professional office building is prohibited.

Public Sewer - A municipal sanitary sewerage system approved and permitted by the Pennsylvania Department of Environmental Resources.

Public Water - A municipal water supply system approved and permitted by the Pennsylvania Department of Environmental Resources.

Recreation Vehicle - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or living purposes and which its wheels, rollers or skids in place. A recreation vehicle shall include trailer, motor home, house trailer, camper, sleigh, golf cart, boat, boat trailer, airplane or other similar vehicle providing partial and usually temporary living and sleeping quarters and which may or may not include kitchen and bathroom conveniences.

Right-of-way - Land set aside for use as a street, alley or other means of travel.

Right-of-way Line - See Street Right-of-way

Rooming House - A building containing a single dwelling unit and guest rooms, where lodging is provided with or without meals for compensation.

School, Commercial - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing or riding.

Screen Planting - A vegetative material of sufficient height and density 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.

Ordinance 2000-007, 11/6/00, Section 302

Senior Center - A facility used to provide a non profit gathering place for senior citizens.

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, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

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.

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

Setback, Front - The distance between the street line and the front setback line projected the full width of the lot. Commonly called "front yard."

Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called the "rear yard."

Setback, Side - The distance between the side lot line and the side setback line projected from the front to the rear yard. Commonly called "side yard."

Setback Line - A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.

Ordinance 1998-005, 4/6/98, Section 302

Sexual Content - Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3, above.

Ordinance 1998-005, 4/6/98, Section 302

Sexual Explicit Nudity - The male genitals in a state of sexual arousal and/or the vulva or female genitals, or full exposure of the female breasts.

Ordinance 1997-001, 1/6/97 Section 302

Shopping Center - Three or more commercial uses not qualifying as a professional center, developed as a unit.

Sign - Any device for visual communication (including buntings, banners and pennants made of fabric or lightweight materials) 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. A sign having two faces shall be counted as one (1) sign.

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

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

Sign, Directional - A sign which is for directing patrons or attendants to an establishment off the main traveled highway or to service clubs, churches, or other nonprofit organizations.

Ordinance 2002-007, 5/6/02, Section 3

Sign, Entrance - A sign that advertises the entrance to a Professional Center, Industrial Center, or Shopping Center that has a number of businesses in a common area.

Sign, Free-standing - A sign supported by uprights or braces anchored to the ground and not attached to a building.

Sign, Permanent Building - A sign permanently attached or applied to a structure and not supported by uprights and/or anchored to the ground. Such a sign shall not cover more than 10% of the building.

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

Sign, Temporary - A sign which can be easily moved and which is not permanently anchored into the ground.

Special Exception - The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures, and conditions, prescribed herein. Special exceptions shall be authorized and administered by the Zoning Hearing Board.

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 (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street - A public thoroughfare which has been or will be dedicated or deeded to the public for public use and which has been approved in accordance with Borough Ordinances.

Street, Road, Private - No private road shall be allowed which services more than two dwelling units. This does not modify street-right-of-way line.

Street Right-of-way Line - The line dividing a lot from the full street right-of-way, not just the cart way.

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

Swimming Pool

- a) Private - Any reasonable 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 one-and-one-half (1 ½) feet. Farm ponds, retention ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
- b) Public - 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.

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 on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance.

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.

Utility Shed - A small building not over 120 sq. ft. designed primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and of the types customarily made of prefabricated materials, purchased, assembled or erected by the property owner.

Variance - A modification of the regulations of this Ordinance which may be authorized by the Zoning Hearing Board in cases where literal enforcement of this Ordinance would result in practical difficulties and unnecessary hardship, not self-imposed to the applicant. The reasons for the granting must be substantial, serious, compelling and unique to the particular property.

Warehousing- Low and Hazard - A closed structure used for the storage of goods, not to include the storage of any substance or product which would result in a threat to life in the community as a result of improper storage or handling or the inadvertent escape of material from storage (i.e. explosives, toxic wastes, radioactive substances, etc.)

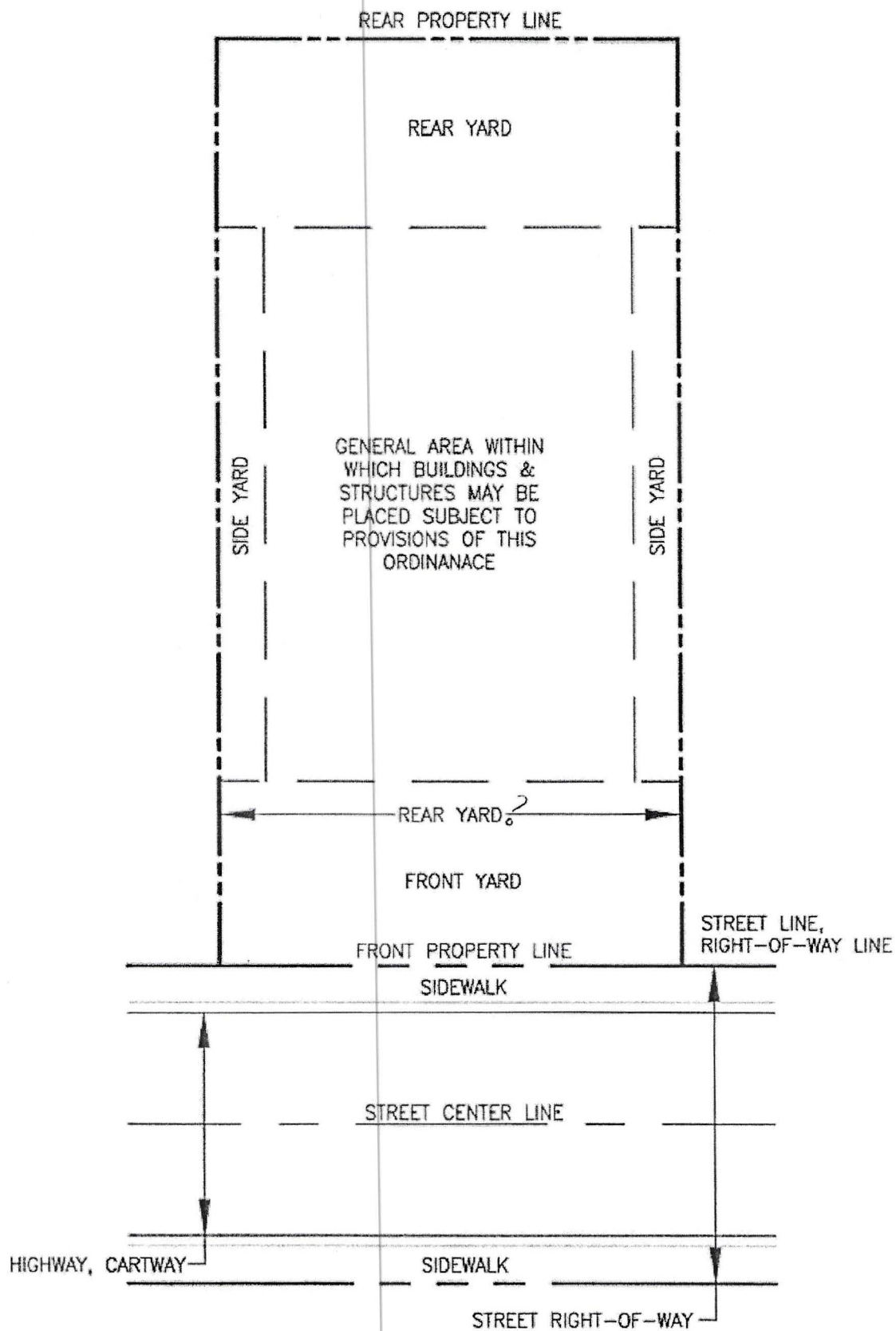
Water Facility - Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

Yard - A prescribed open area on a lot, unobstructed from the ground except as modified in Section 702 of this Ordinance.

Front Yard - An area bounded by the street line, front setback line and side property lines.

Rear Yard - An area bounded by the rear property lines, rear setback line and side property lines.

Side Yard - An area bounded by side property lines, and side, front and rear setback lines.



SKETCH PLAN DEPICTING SELECTED ZONING TERMS

ARTICLE IV

DESIGNATION OF ZONES

s. 401 Classification of Zones

For purposes of this ordinance, Stewartstown Borough is hereby divided into the following zones and shall be designated as follows:

- RT - Residential Town
- RO - Residential Outlying
- CV - Commercial Village
- I - Industrial

s. 402 Zoning Map

The boundaries of said zones are delineated on a separate map entitled "Stewartstown Borough Zoning Map" which accompanies and, with all explanatory matter thereon, is hereby made a part of this Ordinance.

s. 403 Interpretation of Zone Boundaries

Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

- a) Boundaries indicated as approximately following the center of streets, highways or alleys shall be construed to follow such center lines.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- d) Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines.
- e) Boundaries indicated as parallel to or extensions of features indicated in Subsections (a) through (d) above, shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- f) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Subsections (a) through (e) above, the Zoning Hearing Board shall interpret the zone boundaries.

ARTICLE V

RESIDENTIAL TOWN ZONE (RT)

s. 501 Purpose of the Residential Town Zone

The purpose of this zone is to maintain, improve and promote the continued vitality and character of established residential development in areas which can be feasibly provided with public utilities and services; promote the orderly development of residential development by providing for a safe and healthful living environment; provide for the public health and prevent the overcrowding of land through application of maximum housing densities; exclude activities not compatible with residential development; provide for the public convenience and avoid undue congestion in the streets and to otherwise create conditions conducive to carrying out the objectives of this Ordinance.

s. 502 Permitted Uses

- a) A single-family detached dwelling
- b) A single-family semi-detached dwelling
- c) A single-family attached dwelling
- d) A two-family dwelling
- e) A church or similar house of worship

Ordinance 2000-007, 11/6/00, Section 502 (f)

- f) Public or semi-public uses such as a school, library, fire station, park or playground, senior center, child day care, or adult day care
- g) Domiciliary care unit
- h) Community living in accordance with Section 915
- i) Agricultural and gardening

Ordinance 2000-007, 11/6/00, Section 502 (j)

- j) The following accessory uses may be permitted when accessory to a permitted principal use.
 - 1. Accessory buildings and structures customarily incidental to the permitted uses including, but not limited to private detached garages, decks, and sheds. A deck if under a roof, is no longer an accessory structure, but is part of the principal building or structure.
 - 2. On-lot storage (see Section 613)
 - 3. Private outdoor swimming pool (see Section 616)
 - 4. Off-street parking (see Section 612)
 - 5. Outdoor sign (see Section 614)

(Ordinance 2000-007, 11/6/00, Section 502 (k) and Section 502 (l), repealed)

s. 503 Special Exception Uses as Permitted by the Zoning Hearing Board

- a) Multi-family dwelling units such as Townhouses and Garden Apartments. (See Section 915)
- b) Mobile Home Park. (See Section 913)
- c) Funeral Home. (See Section 905)
- d) Medical Clinic. (See Section 912)
- e) Public Utility Building. (See Section 917)
- f) Nursing home or convalescent home. (See Section 916)
- g) Community living arrangements. (See Section 904)
- h) Home occupations and professions. (See Section 908)
- i) Inn - Bed and Breakfast. (See Section 910)

Ordinance 2000-007, 11/6/00, Section 503(j,k,l,m)

- j) Post Office (see section 922)
- k) Banquet Hall \ Meeting Room (see section 923)
- l) Club House (see section 924)
- m) Professional Office Building (see section 925)

s. 504 Area and Width Regulations

- a) Single-family detached dwellings with public water and public sewer facilities:
 - 1) Lot Area - Minimum of twelve thousand (12,000) square feet.
 - 2) Lot Width - Minimum of eighty (80) feet at the dedicated public street frontage right-of-way line.
- b) Single family semi-detached dwellings with public water and public sewer facilities:
 - 1) Lot area - Minimum of seventy-five hundred (7,500) square feet.
 - 2) Lot width - Minimum of sixty (60) feet at the dedicated public street frontage right-of-way line.
- c) Single family attached dwellings with public water and public sewer facilities:
 - 1) Lot area - Minimum of two thousand (2,000) square feet.
 - 2) Lot width - Minimum of twenty (20) feet at the dedicated public street frontage right-of-way line.

Ordinance 2002-010, Section 504(d)(2)

d) All other permitted and special exception uses with public water and public sewer facilities:

- 1) Lot Area - Minimum of fifteen thousand (15,000) square feet.
- 2) Lot Width - Minimum of seventy (70) feet at the dedicated public street frontage right-of-way line.

s. 505 Setback Regulations

Each lot shall have front, side and rear setbacks not less than the following:

- a) Front Setback Depth - thirty (30) feet.
- b) Rear Setback Depth - thirty (30) feet.
- c) Each Side Setback Width - ten (10) feet except on a corner lot there shall be a side setback of thirty (30) feet from any abutting street or right-of-way.
- d) No side setbacks shall be required for single family semi-detached or attached dwellings where the party wall is located on the lot line.

s. 506 Building Height Regulations

Maximum building height for all buildings shall be two and one-half (2 1/2) stories or thirty-five (35) feet whichever is lesser, however, no building shall be less than one (1) story in height.

s. 507 Lot Coverage

Maximum lot coverage shall not exceed thirty (30) percent for all principal and accessory buildings on a lot. Not more than fifty (50) percent of the lot area (including building area) shall be covered with impervious material.

RESIDENTIAL OUTLYING ZONE (RO)

s. 520 Purpose of the Residential Outlying Zone

The purpose of this zone is to provide for the orderly expansion of residential development, to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities; to provide for safe and healthful living environment; to provide standards which will encourage the provision of public water and sewer facilities, to provide for the provision of open space, to exclude any activities not compatible with residential development, and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

s. 521 Permitted Uses

- a) A single-family detached dwelling.
- b) A single-family semi-detached dwelling.
- c) A two-family dwelling.
- d) A church or similar house of worship.
- e) Public and semi-public uses such as a school, library, fire station, park, playground, or swimming pool.
- f) Agricultural and gardening uses and buildings including horticultural nurseries and green houses.

Ordinance 2000-007, 11/6/00, Section 521(g)

- g) The accessory uses may be permitted when accessory to a permitted principal use.

Ordinance 2000-007, 11/6/00, Section 521(h,i repealed)

- 1. Accessory buildings and structures customarily incidental to the permitted used including, but not limited to private detached garages or decks, and sheds. A deck if under a roof, is no longer an accessory structure, but is part of the principal building or structure.
- 2. On-lot storage (see Section 613)
- 3. Private outdoor swimming pool (see Section 616)
- 4. Sale of products under Section 521(f) for a period not to exceed thirty (30) days.
- 5. Outdoor signs (see Section 614)

s. 522 Special Exception Uses as Permitted by the Zoning Hearing Board

- a) Cluster development. (See Section 903)
- b) Funeral home. (See Section 905)
- c) Medical clinic. (See Section 912)
- d) Public utility building. (See Section 917)
- e) Nursing home and/or convalescent home (See Section 916) or domiciliary care unit and/or community living arrangements (See Section 904).

- f) Home occupations and professions. (See Sections 606 and 908)
- g) Inn - Bed and Breakfast (See Section 910)
- h) Kennel. (See Section 901)

s. 523 Area and Width Regulations

- a) Single-family detached dwellings with public water and public sewer facilities.
 - 1) Lot Area - Minimum of fifteen thousand (15,000) square feet.
 - 2) Lot Width - Minimum of one hundred (100) feet at the public street frontage right-of-way line.
- b) Single-family semi-detached dwellings with public water and public sewer facilities:
 - 1) Lot Area - Minimum of twelve thousand (12,000) square feet.
 - 2) Lot Width - Minimum of sixty (60) feet at the public street frontage right-of-way line.
- c) All other permitted and special exception uses with public water and public sewer facilities.
 - 1) Lot Area - Minimum of twenty-four thousand (24,000) square feet.
 - 2) Lot Width - Minimum of one hundred twenty (120) feet at the public street frontage right-of-way line.

s. 524 Setback Regulations

- a) Front Setback Depth - thirty-five (35) feet.
- b) Rear Setback Depth - thirty-five (35) feet.
- c) Each Side Setback Width - fifteen (15) feet except on a corner lot there shall be a side setback of thirty-five (35) feet from abutting streets or right-of-ways.
- d) No side setbacks shall be required for single-family semi-detached dwellings where the party wall is located on the lot line.

s. 525 Height Regulations

Maximum building height for all buildings shall be two and one-half (2 1/2) stories or thirty-five (35) feet whichever is less, however, no building shall be less than one (1) story in height.

s. 526 Lot Coverage

Maximum lot coverage shall not exceed thirty (30) percent for all principal and accessory buildings on a lot. Not more than fifty (50) percent of the lot area (including building area) shall be covered with impervious material.

COMMERCIAL VILLAGE ZONE (CV)

S. 540 Purpose of the Commercial Village Zone

The purpose of this zone is to provide reasonable standards for the orderly expansion of commercial uses where a nucleus of such uses already exists, and where, due to the character of the area such uses are appropriate and compatible to serving the local area. The standard of this zone are designed to minimize traffic congestion on the streets, provide for the public conveniences and otherwise fulfill the purposes and objectives of the Ordinance.

s. 541 Permitted Uses

Single-family dwellings shall be permitted only when accessory to and incidental to the following permitted uses for watchmen and caretakers:

- a) Stores and personal service shops for conducting a retail business.
- b) Banks, offices, studios, hotels, motels, assembly hall, library, municipal uses and post office, and similar community services.
- c) Funeral home.
- d) Indoor theater, and commercial recreation uses such as bowling alleys and billiard parlors.
- e) Sales, services and repair shops.
- f) Retail establishments primarily dependent upon providing drive-in or in-car service.
- g) Restaurants, tearooms, cafes and other places serving food or beverages.

Ordinance 1997-005, 12/8/97, Section 541(h) repealed

- i) Private schools conducted for gain or profit.
- j) Agricultural and gardening.

Ordinance 2000-007, 11/6/00, Section 541(k)

- k) The following accessory uses may be permitted when accessory to a permitted principal use.
 - 1. Accessory buildings and structures customarily incidental to the permitted uses including, but not limited to private detached garages decks, and sheds. A deck if under a roof, is no longer an accessory structure, but is part of the principal building or structure
 - 2. On-lot storage (see Section 613)
 - 3. Off-street parking (see Section 612)
 - 4. Outdoor signs (see Section 614)

Ordinance 2000-007, 11/6/00, Section 541(l)

- l) Warehousing low and moderate hazard.

s. 542 Special Exception Uses as Permitted by the Zoning Hearing Board

- a) Shopping Center. (See Section 918)
- b) Automotive gasoline or service station. (See Section 902)

(Ordinance 1997-001, 1/6/97, Section 542)

(Ordinance 1997-005, 12/8/97, Section 542)

- c) Professional Center. a use by special exception. (See Section 920)

s. 543 Setback Regulations

Each lot shall have front, side and rear setbacks not less than the following:

- a) Front Setback Depth - thirty (30) feet.
- b) Rear Setback Depth - thirty (30) feet.
- c) Side Setback Width - ten (10) feet excepting that no side setback shall be required when two or more commercial uses adjoining side to side provided that a mutual agreement in writing by two or more adjoining property owners is recorded at the Records Office of York County and properly indexed with respect to both properties, and provided that there is a vehicular access of at least twenty (20) feet in width through an open and unobstructed passage at grade level at intervals not more than four hundred (400) feet apart from a street to all setbacks of the lot.
- d) Buffer Yard - A buffer yard shall be provided along any residential boundary line which shall not be less than ten (10) feet in width measured from such boundary line and which shall be in accordance with the provisions of Section 602 of this Ordinance. Such buffer yards shall be continuous with any required yard in this zone, and in case of conflict, the larger yard requirement shall apply.

s. 544 Height Regulations

Maximum building height shall be two-and-one-half (2 ½) stories or thirty-five (35) feet whichever is lesser, however, no building shall be less than one (1) story in height.

s. 545 Lot Coverage

- a) Maximum lot coverage shall not exceed fifty (50) percent for all principal and accessory buildings on a lot.
- b) Not less than ten (10) percent of the lot area shall be covered with vegetative material.
- c) Not more than eighty (80) percent of the lot area (including building area) shall be covered with impervious material.

s. 546 Off-street Parking

Off-street parking, loading, and unloading space, and motor vehicle access shall be provided in accordance with Article VI Section 612.

INDUSTRIAL ZONE (I)

s. 560 Purpose of the Industrial Zone

The purpose of this zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough, contribute to the soundness of the economic base of the Borough, and otherwise further the purposes of this Ordinance. In promoting these and the general purposes of the Zoning Ordinance, the specific intent of this Article is: (1) To encourage the construction of and use of land for industrial purposes; (2) To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district; (3) To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards.

s. 561 Permitted Uses

- a) Business office.
- b) Commercial Enterprise (anything allowed in Section 541)
- c) Research laboratory.
- d) Public utility building.
- e) Parking lot or garage.
- f) Caretaker or watchman dwelling.
- g) Agricultural and gardening.
- h) Accessory buildings and uses customarily incidental to the above uses.
- i) Signs when erected and maintained in accordance with Article VI.
- j) Private schools conducted for gain or profit.

Ordinance 2005-001, 05/02/2005, Section 561

- k) Mini Storage Facility, subject to restrictions of Section 619.

s. 562 Special Exception Uses as Permitted by the Zoning Hearing Board

- a) Motor freight depot, truck terminal. (See Section 914)
- b) Heavy storage services. (See Section 907)
- c) Industrial Park (See Section 909)
- d) Light manufacturing uses. (See Section 911) These include such uses as:
 - 1) printing and publishing
 - 2) soft drink bottling, packaging products
 - 3) lace manufacturing, sewing apparel
 - 4) electronic assembly
 - 5) instrument, cabinet and tool and die making

- 6) molding and/or extruding plastics
- e) General manufacturing. (See Section 906) These include such uses as:
 - 1) food, except meat-packing
 - 2) furniture
 - 3) textiles
 - 4) fabricated metals, machinery
 - 5) stone, clay and glass, except quarries
- f) Animal hospital, (See Section 901.1)

(Ordinance 1998-005, 4/6/98, Section 562)

- g) Adult Entertainment Facility (see section 921)

s. 563 Area and Width Regulations with Public Water and Public Sewer Facilities

- a) Lot Area - A lot area not less than twenty thousand (20,000) square feet shall be provided for each principal use or building.
- b) Lot Width - Minimum of one hundred (100) feet at the dedicated public street frontage right-of-way line.

s. 564 Setback Regulations

Each lot shall have front, side and rear setbacks not less than the following:

- a) Front Setback Depth - thirty (30) feet
- b) Side Setback Width - thirty (30) feet
- c) Rear Setback Depth - thirty (30) feet
- d) Buffer yard width and/or depth shall be provided in addition to the above yards the depth of which shall not be less than fifty (50) feet. All such buffer yards shall be provided and maintained in accordance with the provisions of Section 602 of this Ordinance. When adjacent to a street on which a residential zone abuts on the opposite side, the dimensions of the right-of-way shall be considered to be a part of the depth of the buffer yard.

s. 565 Height Regulations

Maximum building height shall be two and one-half (2 ½) stories or thirty-five (35) feet whichever is less, however, no building shall be less than one (1) story in height.

s. 566 Lot Coverage

Maximum lot coverage shall not exceed fifty (50) percent for all principal and accessory buildings on a lot. Not more than eighty (80) percent of the lot area (including building area) shall be covered with impervious material. All open spaces other than parking and unloading spaces and access drives shall be covered with a vegetative material.

s. 567 Off-Street Parking and Loading Zones

Off-street parking, loading and unloading spaces, and motor vehicle access shall be provided for all employees and visitors in accordance with Article VI.

ARTICLE VI

GENERAL PROVISIONS

s. 600 Compliance

The purpose of this Article is to supplement Article V with additional requirements applicable to certain permitted and special exception uses. In cases where the provisions of this Article are more restrictive than the Zone regulations contained in Article V, the provisions of this Article take precedence.

s. 601 Accessory Uses and Structures

- a) **Attached Structures** - A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- b) **Non-attached Structures** - A permanent-roofed accessory structure, standing apart from the principal structure is permitted in rear yards. For all other requirements, a non-attached structure is considered a part of the principal building. A setback of five (5) feet on all sides is required. For garage setbacks see Section 700.
- c) **Fences and walls** erected, altered and maintained within yards are subject to the following restrictions:
 - 1) In a front yard, solid fences or walls shall not exceed two-and-a-half (2.5) feet in height, and open fences, with spaces equal to or greater in width than the solid fencing material, shall not exceed three-and-a-half (3.5) feet in height. Posts or piers up to six (6) feet in height shall be permitted, but no fence shall include more than six (6) such posts or piers for each fifty (50) feet of fencing.
 - 2) In a side or rear yard, a fence shall not exceed six (6) feet in height. Where a fence extends beyond the front of the house, it shall be subject to the restrictions governing front yard fencing.
 - 3) In the case of corner lots, the front and side yards facing the streets shall be subject to fencing regulations as if they were both front yards.
 - 4) In any zone, a fence higher than six (6) feet in height, such as a tennis court or basketball fence, a privacy fence, or a security fence, may be permitted by special exception.
- d) No walk, fence, sign, or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.
- e) At all intersections of streets and/or access drives a clear sight triangle shall be maintained.
- f) Domiciliary Care Unit or Community Living Arrangement: This shall be permitted as an accessory to use as a single-family dwelling or to use as a multi-family dwelling subject to the limitations which are applicable in this Ordinance with respect to the location of single-family dwellings.

s. 602 Buffer Yards and Screening

Where a Commercial-Village and/or Industrial Zone abuts a Residential Zone except where street or highway frontage intervenes:

- a) A fence, hedge or screening acceptable to the Borough shall be erected in the Commercial-Village and/or Industrial Zone to screen from view (in the Residential Zone) any commercial or manufacturing uses.
- b) The space along the side lot line in the Commercial-Village and/or Industrial Zone abutting a Residential Zone for fifty (50) feet in depth may not be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained.
- c) Plant materials used in the screen planting shall be at least four (4) feet in height when planted and of such species as will produce, within two (2) years, a complete visual screen of at least eight (8) feet in height.
- d) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
- e) When owing to existing conditions, the provisions of the buffer yard and screen would create a hardship, the property owner may apply to the Zoning Hearing Board for a variance. The Zoning Hearing Board may authorize a reduction and/or waive the buffer yard and screening requirement. See Section 802.

s. 603 Demolition

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

s. 604 Drainage

Anytime land in the Borough is altered or built on, the owner shall make every effort technically available and feasible to achieve storm water absorption rather than run off resulting from the alteration or building.

- a) Adequate Drainage Required - No structure for human or animal occupancy or habitation or commercial or industrial structure may be erected or relocated on land:
 - 1) Which is not adequately drained at all times.
 - 2) Which is subject to periodic flooding.
- b) Building Restricted Adjacent to Drainage Channels and Watercourses - No building may be erected or relocated:
 - 1) Within thirty (30) feet of the natural design or constructed edge of a stream channel or open drainage way, provided that the Zoning Hearing Board may authorize a reduction of this dimension when the applicant demonstrates that adequate safeguards have been provided for that natural flow of water downstream so as not to damage public or private property adjacent to said stream or drainage way.
 - 2) So that its lowest floor designed and used for human or animal habitation or occupancy shall be an adequate height above the drainage channel to afford protection from surface and groundwater.
- c) Obstructions - The following shall not be placed or caused to be placed in a stream channel or open drainage way: fences except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water in such stream, or open drainage way, or that will catch or collect debris carried by such water or that is placed where the natural flow of the stream would carry the same downstream to the damage or detriment of either public or private property adjacent to said stream, or open drainage way.

- d) **Structure Effect** - Any structures permitted shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.
- e) **Storm water design** - Storm water design shall meet requirements of the Borough Engineer under standard practices in effect.
- f) **Municipal Liability** - The granting of a building permit in any flood plain shall not constitute a representation, guarantee, or warranty of any kind or nature by the Borough or by an official or employee thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereto.
- g) **Installation of Fill Materials** - Fill may be placed at and along the outer line of a modified stream or drainage way when approved as a special exception by the Zoning Hearing Board and subject to the following condition:
 - 1) Satisfactory evidence shall be submitted to the Zoning Hearing Board indicating that the cross- sectional area of the modified stream or drainage way will not be significantly reduced; that there will be no adverse flooding conditions created by the proposed fill.

s. 605.1 Odor, Sound, Light, and Vibrations

Upon receipt of a signed written complaint that odors, noise, light, and/or vibrations are a disturbance in the area, the Zoning Officer shall investigate the complaint.

- a) Odors should not be of a prolonged nature; that is, longer than a day and not recurrent.
- b) Sounds should not be invasive into others' living areas at any time and not noticeably audible between 11:00 p.m. and 6:00 a.m.
- c) Vibrations should not be felt in the residences or businesses on adjacent property.
- d) Light should be directed only to the purpose intended. It should not intrude onto others' living areas.

The Zoning Officer shall notify the violator by personal contact. If immediate or agreed upon action is not forthcoming, the Zoning Officer shall send a certified letter requiring compliance within a time limit set by the Zoning Officer. See Section 1005 for penalties.

At any time these environmental controls can not be determined simply, reference will be made to Section 605.2.

s. 605.2 Environmental Regulations

- a) **Performance Standards** - In all districts all uses and activities established after the effective date of this Ordinance shall comply with the following performance standards; all existing uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing uses and activities not in compliance shall bring themselves into compliance within one (1) year of the effective date of this Ordinance.
- b) **Noise** - The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound- pressure level shall be measured with an octave band analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standards Association (Preferred Frequencies for Acoustical Measurements, SI 6-1960, American Standards Association, New York, NY).
 - 1) **Standards** - At no point on the district boundary of or at any point within any District shall the sound-pressure level resulting from any operation in any district exceed the maximum permitted sound levels set forth below expressly or waived in paragraph 2 below.

<u>Center Frequency (Cycles per Second)</u>	<u>Maximum Sound-Pressure Level Decibels)</u>
31.5	65
63	67
125	66
250	59 (Sound pressure
500	52 level in decibels
1,000	46 equals 0.0002
2,000	37 dynes/cm 2)
4,000	26
8,000	17

2) **Waivers** - The following sources of noise are exempt.

- i) Transportation vehicles not under the control of an on-site use.
- ii) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- iii) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

c) **Vibration** - No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D \text{ where}$$

PV = Particle velocity, inches per second
F = Vibration frequency, cycles per second
D = Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

MAXIMUM GROUND TRANSMITTED VIBRATION

<u>Zoning District</u>	<u>Particle Velocity (Inches/Second)</u>	
	<u>Adjacent Lot Line</u>	<u>Residential District</u>
Residential	0.05	0.02
Commercial & Industrial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values of this table may be multiplied by two.

- d) **Heat** - No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree F.
- e) **Glare** - In Commercial and Industrial Districts, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any district other than a Commercial or Industrial.
- f) **Air Pollution** - Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the Borough adopts these standards as its own. However, to govern situations of localized nature, the following additional regulations are provided.

- g) Odor - Odor threshold is defined as the lowest concentration of odorous matter than produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM 1931-57 "Standard Method of Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent.
- 1) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
 - 2) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
- h) Smoke - for the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart published by the U.S. Bureau of Mines shall be used.
- i) Application of Performance Standards
- 1) Any use established or changed to and any building, structure or land developed, constructed or used for any use or any accessory use thereto shall comply with all the performance standards herein set forth.
 - 2) If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein set forth shall apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.
 - 3) Determinations necessary for administration and enforcement of performance standards

set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:

- i) Where determination can be made by the Zoning Officer or other Borough employees using equipment normally available to the Borough or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 - ii) Where technical complexity or extraordinary expense makes it unreasonable for the Borough to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations and protecting the general public from unnecessary costs for administration and enforcement.
- 4) If the Zoning Officer finds after making determinations in the manner set forth in this Ordinance, that there is a violation of the performance standards set forth herein, he shall take or cause to be taken lawful action to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of Section 1005.
 - 5) If, in the considered judgment of the Zoning Officer, there is probably violation of the performance standards set forth herein, the following procedures shall be followed:
 - i) The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the

Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this Ordinance. The notice shall state that, on request of those to whom it is directed, technical determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Borough.

- ii) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.
- ii) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
- iv) If a reply is received within the time limit set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer must call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 1005. If no violation is found, the costs of the determinations shall be paid by the Borough without assessment against the person or persons involved.

j) Concentration of Odors or Waste

In order to prevent buildup or concentration of waste or odors, industrial waste products and/or pumice (excluding household and/or agricultural waste) shall not be spread in Stewartstown Borough within one (1) mile from sewer treatment facilities, storage lagoon or spray facilities which treat, hold or spray industrial waste. Provided, however, that this shall not be interpreted to preclude, the spreading of materials resulting from the cleaning of lagoon, which materials are promptly plowed down and which cleaning does not occur at more frequent than four-year intervals.

k) Water Pollution

For purposes of this Ordinance, a water supply or source shall be considered polluted if it is polluted, degraded, contaminated or discolored in any way. Any observable activity or the failure to correct a causative condition shall be seen as polluting activity and is prohibited. Violations are subject to the provisions of Section 1005.

s. 606 Home Occupation

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

- a) The following requirements shall apply to all home occupations:
 - 1) The home occupation shall be carried on only by members of the immediate family of the operator residing on the lot where the home occupation will be located and a maximum of one non-resident employee.

- 2) The character or external appearance of the dwelling or structure normally accessory to a dwelling shall not be changed by the home occupation. No Display of products may be shown so as to be visible from outside the dwelling or the accessory structure. A name plate not larger than two (2) square feet in area shall be permitted. It may be illuminated only by direct lighting.
 - 3) Not more than thirty (30) per cent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
 - 4) In addition to the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:
 - i) One space for the home occupation, and one space for each employee outside the immediate family.
 - ii) Three additional spaces for a physician or dentist.
 - 5) The premises must at all times be kept neat and orderly.
 - 6) The use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act).
- b) If the home occupation meets all of the above requirements and all of the following requirements it shall be permitted in any zone upon receipt of a use certificate to be issued by the Borough Zoning Officer.
- 1) The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physical offices, bake shops, handcraft shops, are example of the type of uses which normally will meet this requirement.
 - 2) The use will not involve any dimensional alteration to any existing building, use of any building constructed or in place after January 1, 1985, or construction or replacement of any new building.
 - 3) The use will not involve any outside storage.
 - 4) The use will not be one which tends to create dust, heat, Glare, smoke, vibration or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. Motor vehicle repair facility is a use which tends to create noise audible outside the building in which the use is being conducted.

The applicant must include with the application for use certificate such drawing as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use. The applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to ensure that all of the above enumerated requirements are met. The use certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use or violation of this Ordinance cause by its continuance.

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

- c) If the proposed use would fail to meet one or more of the requirements of Section 908, the use may be permitted only following application and approval as a special exception by the Zoning Hearing Board which shall review the application and approve it only if the applicant establishes that all of the requirements of Section 908 will be met and the applicant also established that the following additional requirements will be met:

- 1) The premises will be kept neat and orderly and there will be no outdoor storage of the following:
 - i) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered, but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code;
 - ii) Discarded motor vehicle parts or accessories;
 - iii) Other trash or junk as defined in this Ordinance.
- 2) The use will not involve noise audible to neighboring residents between 7:00 p.m. and 6:00 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7:00 p.m. and 6:00 a.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.
- 3) If a new building is to be constructed or placed, or an existing accessory building is to be enlarged or a building constructed or placed after January 1, 1988, is to be utilized to accommodate the proposed use, the building after enlargement or construction shall not have a ground floor area in excess of fifty (50) percent of the ground floor area of the dwelling unless the building is at least five hundred (500) feet from any neighboring residence;
- 4) The use shall not create any vibrations, smoke, dust, odor, heat or glare detectable beyond the property of the owner of the use.
- d) Excepting for "home occupation" or "domiciliary care unit" there may be no business use or other use involving monetary receipt to the property owner or operator of the "use" accessory to the use of a tract for residential purposes.

s. 607 Driveways

- a) Width - Within ten (10) feet of the dedicated public street right-of-way line, access driveways may not exceed thirty-five (35) feet in width.
- b) Number - The number of driveways may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.
- c) Offsets - Driveways may not enter a public street:
 - 1) Within fifty (50) feet of the street right-of-way line of an intersecting street.
 - 2) Within seven (7) feet of a fire hydrant.
 - 4) Within twenty-five (25) feet of another access drive on the same property.
- d) A driveway for a single family detached dwelling shall be located at least three (3) feet from the property line. A driveway for a single family semi-detached dwelling shall be located at least one-and-a-half (1.5) feet from the property line where the party wall is located on the lot line, and at least three (3) feet from the property line on the other side.
- e) Sight Distances; Slope; Cuts - A driveway must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of eight (8) percent within twenty-five (25) feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the street.

s. 608 Illumination

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

s. 609 Loading and Unloading

- a) Size; Surfacing - The loading space must be not less than twelve (12) feet wide and fifty (50) feet long. It must be surfaced with a bituminous or concrete material.
- b) Spaces Required - Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Manufacturing, storage, display or sale of goods	One (1) space for a gross floor area of 5,000 to 25,000 square feet and 1 additional space for each 10,000 square feet of gross floor area in excess of 25,000 feet.
Commercial establishment	One space for a gross floor area of from 20,000 to 100,000 square feet and one additional space for each 40,000 square feet of gross floor area in excess of 100,000 square feet.

- c) Layout - The loading area must be arranged so that there will be no need for motorists to back over public right-of-ways and must not be located in the front yard area.

s. 610 Minimum Habitable Floor Area

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

- a) Single-family detached, semi-detached, and attached dwellings: 800 square feet per dwelling unit.
- b) Multi-family dwelling: 600 square feet per dwelling unit.
- c) Bachelor Apartments (1 person): 300 square feet per dwelling unit.
- d) Two-family dwelling: No less than 800 square feet per dwelling unit.

s. 611 Number of Principal Uses on a Lot

- a) In a Residential Zone, not more than one (1) principal use and single major structure shall be permitted on a lot except by special exception.
- b) Each single-family dwelling shall be sited on a separate lot whether intended for sale or not.

s. 612 Off-street Parking

- a) Size of Parking Space - The parking space must have an area of not less than two hundred (200) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average three hundred (300) square feet per required parking space.

- b) Spaces Required - Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Dwelling Unit	1/3 Dwelling Unit (i.e.: 3 spaces per dwelling unit)
Rooming House	Bedroom
Hotel, Motel, Tourist Home	Guest sleeping room
Office Building	300 sq. ft. of gross floor area
(Ordinance 2000-007,11/6/00, Section 612 (b)) Post Office	Minimum of One Parking Space Adjacent to Post Office for each 200 square feet of gross floor area for patrons, parking spaces for the maximum number of employees working at one time, and in any area designated for postal trucks to load and unload
Retail store or shop	100 sq. ft. of net floor area, which shall be the total area of all floors measured from the exterior faces of all floors measured from the exterior faces of the building except the floor area used for storage of packaging of merchandise may be excluded. The exclusion shall not exceed more than 40% of the gross floor area
Eating establishments	4 seats
Bowling Alley	1/4 lane (i.e.: 4 spaces per lane)
Other Recreational Establishments	100 sq. ft. of gross floor area
Automobile Repair, Gasoline Station	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Other Commercial Buildings	400 sq. ft. of gross floor area
Auditorium, Church, Theater & Other such places of Public Assembly	4 seats
Industrial and Heavy Commercial Establishments	2 employees on major shift but at least 1 space for each 5,000 sq. ft. of gross floor area.
Funeral Homes	100 sq. ft. of gross floor area
Clubs, Lodges and Other similar places	100 sq. ft. of gross floor area
Inn - Bed and Breakfast	1/3 dwelling unit plus one for each room available for hire

- c) Location - The parking area must be on the same or nearby premises. If on nearby premises:
 - 1) The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: one hundred (100) feet in the case of a commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of industrial use.
 - 2) The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.
- d) Layout - Parking areas must be arranged so there will be no need for motorists to back over:
 - 1) Local streets, except in the case of residential uses.
 - 2) Major thoroughfares.
- e) Parking Area Adjacent to Street - For multi-family and nonresidential uses, where a parking area, or other area open to movement of vehicles abuts the

right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices must line the public right-of-way except at access points so that parking vehicles will not extend into the street right-of-way.
- f) Paving - For residential, commercial, industrial and multi-family uses, all required parking areas and all access drives for such uses shall be paved with concrete or bituminous paving material. Exceptions to this regulation for the control storm water may be recommended by the Planning Commission and approved by the Council.

s. 613 On-lot Storage

- a) Travel trailers and recreation vehicles may be stored in a Residential Zone only on lots improved with dwelling houses and occupied by the owner of the vehicle. On-street parking is prohibited. Such storage is permitted provided:
 - 1) The vehicle shall not project beyond the front line of the dwelling; and
 - 2) The vehicle shall be stored only in side and rear yards at least three (3) feet from all property lines.
- b) Utility sheds may be erected in accordance with the following provisions:
 - 1) A utility shed shall not be erected except in the rear yard of a dwelling.
 - 2) A utility shed shall be erected not less than five (5) feet from any rear or side lot line.
 - 3) A utility shed shall not have a floor area exceeding one-hundred-twenty (120) square feet nor a height in excess of twelve (12) feet.
 - 4) Miscellaneous items stored for possible use or reuse, but not including firewood, shall not be stored outside any building for over 18 months.

s. 614 Outdoor Signs

- a) Drive-in-Business - For a drive-in business, business signs are permitted as long as their number does not exceed two (2) per street frontage and their combined area does not exceed fifty (50) square feet per street frontage.

(Ordinance 1997-003, 3/3/97, Section 614 b)

- b) Other Uses - For other uses, one (1) sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every two hundred (200) feet of street frontage or major fraction thereof all in accordance with sub-section

Any number of signs are permitted as long as their total area does not exceed the maximum under (e).

- c) All Uses - For all uses, an advertising and a business sign must be a least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a residential zone.
- d) Determination of Size - The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs and space between such letters, figures and designs shall be included.
- e) Type, Location and Size of Sign - Signs shall be in accordance with the following schedule:

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum Size</u>
Traffic	any zone	---
Home occupation or home profession	Where use is permitted	2 sq. ft.
Trespassing	any zone	2 sq. ft.
Utility	any zone	2 sq. ft.
For sale, for rent, sold and rented	any zone	6 sq. ft.
Work sign of builders, painters and other artisans only while performing work on the premises	any zone	6 sq. ft.
Directional	any zone	6 sq. ft.
Identification and information of churches, schools, and other nonprofit institutions	any zone	12 sq. ft.
Temporary sign for sale of agricultural and horticultural products and for construction projects	any zone	12 sq. ft.
Business	any zone but Residential	50 sq. ft.
Ordinance 2002-007, 5/6/02, Section 614 Advertising	any zone but Residential	100 sq. ft.
Ordinance 2002-007, 5/6/02, Section 614 Industrial Park, Shopping Center	Where use is Permitted	175 sq. ft.

Ordinance 2003-001, 1/6/03, Section 614
Temporary Sign advertising special events
for churches and other non-profit organizations.

Any Zone

12 sq. ft.

Ordinance 2003-001, 1/6/03, Section 614
Temporary signs advertising special events
for businesses (e.g. grand openings, change
of ownership, closeout sale, clearance sale,
holiday sale, etc.)

Where use is permitted

12 sq. ft.

f) Setback of Signs

- 1) Attached signs - No portion of an attached sign may extend beyond the building setback line.
- 2) Free-standing Signs - No portion of a free-standing sign shall block the view of a vehicle operator. See Section 701.

g) Buntings and Pennants - Buntings, pennants and similar objects are permitted to announce a special occasion for a business or industry, a civic event or charitable purpose. They are permitted to be in charitable purpose. They are permitted to be in place up to fourteen (14) days prior to the start of such an event and must

be removed within seven (7) days after the event has ended. They shall not be in place over a total of thirty (30) days. The use of buntings and pennants is permitted for four (4) events per year for any particular business, industry, civic event or charitable purpose. An 'OPEN' flag may be displayed only open business hours of the business flying it. Banners displayed over a public highway or street must be authorized by the Borough and meet all state regulations.

h) Projection of Signs - No sign shall project:

- 1) Over a public sidewalk area.
- 2) Over a public highway or street unless specifically authorized by other Borough or State regulations.
- 3) More than twenty-five (25) feet above the ground except for an attached sign which may project eight (8) feet above the roof of the buildings.

i) Illumination of Signs

- 1) A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence within one hundred (100) feet.
- 2) Signs which are illuminated in the colors, red, green or amber, either by colored bulbs or tubing, or in high reflections by the use of special preparations such as fluorescent paint or glass, shall not be located within a radius of one hundred (100) feet of a highway traffic light or similar safety device or from the center of any street intersection.

j) Temporary Signs

- 1) A temporary sign for the sale of agricultural and horticultural products may be displayed only while the product is in season and is being sold.
- 2) A temporary sign for a construction project may be erected and maintained for only as long as the project is under construction.

Ordinance 2003-001, 1-6-03, Section 614

- 3) A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period between 21 days Prior to and 7 days after the event.

Ordinance 2003-001, 1-6-03, Section 614

- 4) Temporary signs advertising special events for businesses may be erected for a period not to exceed 30 consecutive days per event nor to exceed two events per calendar year.
- k) Construction and Maintenance - Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- l) Termination of Enterprise - Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

s. 615 Outdoor Storage or Display

Outside storage is permitted in all zones subject to Section 613.b.4 and Section 618.c.4, provided no part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required front yard shall be occupied by outside storage or display. Said outside storage shall not constitute an eyesore or a health/safety hazard to neighboring properties or the Community.

s. 616 Outdoor Swimming Pool

Every outdoor swimming pool must conform to all applicable requirements of State law and in addition must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension; and if a picket fence is erected or maintained, the horizontal or vertical dimension of space between pickets shall not exceed six (6) inches. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. The water line must be at least ten (10) feet from the property line. A pool must be located in the rear yard.

s. 617 Water Supply and Sewage Facilities

No use for habitation shall be permitted without being connected to the Borough public water supply system and the Borough's public sewerage system, except by special permission granted by the Borough Sewer and Water Authority.

s. 618 Uses Prohibited

- a) Dwelling units shall not be permitted in cellars.
- b) Travel trailers, boats, campers and other similar recreational vehicles shall not be permitted as dwelling units.
- c) The following uses are prohibited in all zones throughout the Borough:
 - 1) The incineration (not including individual home incinerators), reduction or storage of garbage, offal, animals, fish, or refuse, unless by the authority of or under the supervision of the Borough.
 - 2) Dumps and dumping of any kind, unless by the authority of or under the supervision of the Borough.
 - 3) The stripping of top soil for sales, exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued, or when incidental to the expansion or operation of a lawfully permitted use.

- 4) Junk yard or an accumulation of used or discarded junk items.
- 5) Conversion of existing single family dwellings to multi-family use.
- 6) Communal living arrangements of more than six unrelated adults or adults and children.

Ordinance 2005-001, 05/02/2005, Section 619

s. 619 Mini - Storage Facility

Every mini storage facility shall provide for parking in the form of parking\ driving lanes adjacent to the buildings. These lanes shall be at least twenty-four (24) feet in width, for turning, loading and unloading. Additionally, there shall be (1) one off street parking space allotted for the sole and exclusive use of the manager of the facility, said parking space is to be located adjacent to the office. Auction or sales on site shall be prohibited. The repair of vehicles on site shall be prohibited and the use of any unit as a workshop shall be prohibited.

ord. 2010-2 Geothermal
S.620

ARTICLE VII

MODIFICATIONS AND NONCONFORMITIES

s. 700 Setback Modifications

- a) Front Setbacks from Major Thoroughfares - For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, building (including residential and nonresidential building) along these thoroughfares must be set back at least fifty (50) feet from the right-of-way line of the thoroughfare. Major thoroughfares are or will be any arterial streets and collector streets so designated by the Borough Planning Commission or as specified in the Borough Comprehensive Plan.
- b) Front Setback of Buildings on Built-up Streets - Where a building or buildings are within one hundred (100) feet of a property and the setback is less than the requirements of the zone where the nearest building or buildings are located, the setback for the proposed building shall be no less than that of the single adjacent building or no less than the average setback of the two adjacent buildings.
- c) Side Setback of Building Additions on Lots of Record - If an existing building has less than the side setbacks required in any particular zone, an addition will be permitted provided the side setback for the addition is equal to or greater than that of the existing building. In no case shall the addition be closer than three (3) feet from the side property line, unless the property line is a party wall.
- d) Rear Setback of Building on Lots - See Section 707.b.2.
- e) Setback on Corner Lots - In the case of corner lots, the front and side yard facing the streets shall require setbacks as if they were both front yards.
- f) Accessory or Appurtenant Structures - The setback regulations do not apply to:
 - 1) School bus shelters, telephone booths, cornices, chimneys, steps, canopies, and similar extensions but not including uncovered and unenclosed porches.
 - 2) Open fire escapes, eaves.
 - 3) Minor utility structures (such as electric transformers, water curb boxes, fire hydrants, telephone poles, etc.), articles of ornamentation or decoration.
 - 4) Fences, retaining walls.

s. 701 Sight Distance

- a) Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfares	150 feet
Minor Streets	75 feet

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

- 1) Obstructions or plantings less than three (3) feet in height.
- 2) If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter.

s. 702 Height Modifications

The height regulations do not apply to:

- a) Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
- b) Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25) percent of the roof on which they are located.
- c) Parapet wall or cornices used solely for ornamental purposes if not in excess of five (5) feet.
- d) For all residential uses, an accessory building shall not exceed fourteen (14) feet in height.

s. 703 Buildings Under Construction

If the construction is completed by one (1) year after effective date, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

s. 704 Division of Built-On Lots

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

s. 705 Status of Subdivision or Land Development Plan

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

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within two (2) years from such approval. Where final approval is preceded by preliminary approval, the two-year period shall be counted from the date of the preliminary approval.

s. 706 Lots of Record

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

s. 707 Nonconformities

- a) Continuance
 - 1) Except as otherwise provided in this Section, the lawful use of land or building existing at the date of the adoption of this Ordinance may be continued although such use of land or building does not conform to these regulations specified by this Ordinance for the zone in which such land or building is located.

- 2) Except as otherwise provided in this Section, any dimensional non conformities existing at the date of the adoption of this Ordinance may be continued.
- b) Expansions and Alterations
- 1) Upon application for a special exception and in accordance with the provisions of Section 803, the Zoning Hearing Board may approve the expansion or alteration of a use of land or buildings which is not in conformance with the provisions of this Ordinance.
 - 2) On a lot which has an exit from the rear yard, any non-attached accessory building large enough to be a garage must be located so that a vehicle will not back out or pull out into traffic while exiting the building, unless a special exception is approved by the Zoning Hearing Board.
 - 3) A dimensional nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance; however, upon issuance of a special exception, in accordance with the provisions of Section 803, the Zoning Hearing Board may authorize additions or improvements to dimensional non conformities.
- c) Replacement
- 1) A nonconforming use may be replaced by a non-conforming use with a use permit issued by the zoning officer when authorized by the Borough Council or when a special exception is granted by the Zoning Hearing Board, which permits the zoning officer to grant the permit.

 Upon application for a use permit, the zoning officer shall visit and post the property in question, collect all the facts and findings, review the zoning ordinance and report to the Borough Planning Commission concerning the use.

 The applicant will present to the Planning Commission all the plans and intentions for the use which will be conducted on the property, for which the use permit is being applied.

 After hearing and considering the information given by the applicant and the zoning officer, the Planning Commission will send a copy of their comments and/or recommendations to the Borough Council.

 Borough Council will review the Planning Commission report and decide if the use permit can be granted by the zoning officer. If the Planning Commission feels the use should be granted by special exception, their report will be sent to the Zoning Hearing Board which will make the final decision, before the zoning officer can issue the use permit.
 - 2) A dimensional nonconformity may be replaced only in conformance with the provisions of this Ordinance.
- d) Restoration- If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of god or a public enemy to an extent of more than seventy-five (75%) percent of the market value as appraised for tax assessment purposes then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored or repaired except in conformance with the provision of this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.
- e) Abandonment - A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of six (6) months from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.

- f) Reversion - No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
- g) Zone Changes - Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
- h) Identification and Registration - Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer.

ARTICLE VIII

ZONING HEARING BOARD

S. 800 Powers and Duties - General

- a) Membership of Board - The membership of the Board shall consist of three residents of the Borough appointed by the Borough Council. Their terms of office shall be three years, unless terminated early for cause by two-thirds (2/3) majority of the Borough Council, and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.
- b) Organization of Board - The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 801. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the Borough and the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a brief report of its activities to the Borough Council following each hearing.
- c) Powers - The Zoning Hearing Board has the following powers:
 - 1) Interpretation - To interpret any provision of this Ordinance including zone boundaries.
 - 2) Special Exceptions - To hear and decide special exceptions upon which the Board is required to pass under this Ordinance as per Section 803 following.
 - 3) Appeals - To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement or interpretation of this Ordinance.
 - 4) Variances - To authorize, upon application, in specific cases a variance from the terms of this Ordinance as per Section 802 following.
 - 5) Rehearings - To grant the rehearing of a case if it appears there has been a substantial change in the facts as evidence of the case as presented at the initial hearing.
 - 6) Challenge to the Validity of the Ordinance or map, the Board shall hear challenges to the validity of the Zoning Ordinance or map except as indicated in the Pennsylvania Municipalities Planning Code, Section 1003 and 104.1 b. In all such challenges the Board shall take evidence and make a record thereon as provided in Section 801. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
 - 7) Unified Appeals- Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Borough Ordinance or requirement pertaining to the same development plan or development. In any case the Board shall have no power to pass on the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 801. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

In exercising the powers above, the Board, in conformity with the provisions of this Ordinance, may reverse, affirm, or modify the order, requirement, decision, or determination appealed from or requested, and may make any order, requirement, decision or determination as ought to be made.

- d) Board Calendar - Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for hearings.

s. 801 Public Hearings

- a) Notice, Conduct of Meeting - Notice shall be given to the public, the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any other person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board.

The hearing shall be held within sixty (60) days from the date of the applicant's request unless the applicant has requested an extension of time.

The governing body may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

The hearings shall be conducted by the Board or the Board may appoint a hearing officer. The decision, or where no decision is called for, the findings, shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

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

The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

The Board or the hearing officer, as the case may be, shall keep a taped record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any part or his representative unless all parties are given an opportunity to be present.

- b) Decision Procedure - The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five days after the last hearing before the Board or hearing officer. Except in home rule municipalities, where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation

that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within forty-five (45) days from the date of the applicant's request for the hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the municipality shall give public notice of said decision within ten days in the same manner as provided in subsection (a) of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date of preparation. To all other persons who have filed their name and address with board including the Borough Council not later than the last day of the hearing, a Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

s. 802 Variances

- a) Filing of Variance - An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the variance, whether such information is called for by the official form or not.

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

- b) Referral to Planning Commission - All applications for a type-of-use variance shall be referred to the Borough Planning Commission for review and report.
- c) Standards for Variances – where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:
- 1) There are unique physical circumstances or conditions, including (1) irregularity, narrowness, or shallowness of lot size or shape, or (2) exceptional topographical or other physical conditions peculiar to the particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
 - 2) Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
 - 3) The unnecessary hardship is not financial in nature and has not been created by the appellant.
 - 4) The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- d) Condition - In granting any variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement purposes of this Zoning Ordinance.

s. 803 Special Exceptions

- a) Filing of Special Exception - For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show:
 - 1) Ground floor plans and elevations of proposed structures.
 - 2) Names and addresses of adjoining owners. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.
- b) Temporary Special Exceptions - A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
 - 1) Is beneficial to the public health or general welfare, or
 - 2) Is necessary to promote the proper development of the community, or
 - 3) Is seasonal in nature.

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

- c) Referral to the Planning Commission – All applications for a Special Exception shall be referred to the Borough Planning Commission for review and report.
- d) Conditions - The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.
- e) General Standards - A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
 - 1) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
 - 2) That water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
 - 3) That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
 - 4) That the use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
 - 5) That the specific standards set forth for each particular use for which a special exception may be granted have been met.

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

ARTICLE IX

STANDARDS FOR SPECIAL EXCEPTION USES

s. 900 Requirement of Specific Standard

In addition to the General Standards for all special exceptions as contained in Section 803 (e), the specific standard for the particular uses permitted by the special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

s. 901.1 Animal Hospital

Subject to the requirements of that zone in which located except as herein modified and provided:

- a) No outside housing shall be permitted.
- b) Any other requirement specified by the Zoning Hearing Board under the authority of s. 803(d)



S.901.2 Kennel

Subject to the requirements of that zone in which located is herein modified and provided:

- a) Lot area - Five (5) acre minimum
- b) Setbacks - All buildings, dogs runs, fenced enclosures, and similar structures shall be at least on hundred (100) feet from all property or street lines.

s. 902 Automotive Gasoline or Service Station

An automotive gasoline or service station shall comply with the following:

- a) Minimum setbacks from street right-of-way lines:
 - 1) Pumps: 15 feet.
 - 2) Building: 40 feet.
- b) Access Drives:
 - 1) Minimum offset from intersection of street right- of-way lines: 40 feet.
 - 2) Side lot line offset: 10 feet.
 - 3) Minimum width: 12 feet
 - 4) Maximum width: 35 feet.
 - 5) Minimum separation of drives on same lot: 25 feet.
- c) Curbing - Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- d) Lighting - All lights must be diverted inward and downward.
- e) Storage - No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- f) Landscaping - At least ten (10) percent of the lot on which the service station or gasoline station is situated must be devoted to landscaping.

s. 903 Cluster Development

- a) In the case of planned projects consisting of fifteen (15) acres or more, this Section provides for an added degree of flexibility in the placement, bulk and interrelationship of the building and uses within the planned project and the implementation of new design concepts, while at the same time maintaining the overall intensity of use, density of population and amounts of air, light, access and open space as specified by this Ordinance for the district in which the proposed project is to be located. The Zoning Hearing Board may waive the fifteen (15) acre requirement if the proposed tract abuts and existing cluster development in the same zone classification and approval of the proposed tract will enable a compatible extension of the existing development.
- b) The housing type, minimum lot area, yard, height and accessory uses shall be determined by the requirements and procedure set out below, which shall prevail over conflicting requirements of this Ordinance or the regulations governing Subdivision and Land Development.
- c) An application authorizing a special exception use must be made with the Zoning Hearing Board. This application shall contain, but not be limited to the following:
 - 1) A legal description of the property under consideration, which also shows that such property is at least fifteen (15) acres in area in a Residential Outlying Zone.
 - 2) A fully dimensioned map of the land, including topographic information at a contour interval of not less than two (2) feet.
 - 3) A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, buffer strips, plantings, driveways and curb cuts.
 - 4) Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces.
 - 5) A vicinity map showing the location of the site in relation to the surrounding neighborhood.
 - 6) Architectural sketches, at an appropriate scale, showing building height, bulk, interior layout and proposed use.
- d) No uses shall be permitted except single-family dwellings and accessory buildings and uses.
- e) Development standards for the maximum number of dwelling units to be built on the tract shall be determined in the following manner:
 - 1) The usable area shall first be determined by deducting from the gross area of the tract.
 - i) All land indicated as right-of-way for any highway, street or road right-of-way or utility easement.
 - ii) All land which constitutes a flood plain and in the opinion of the Zoning Hearing Board would constitute an excessively high percentage of the total tract.
 - 2) Four single-family dwellings shall be permitted for each acre of land contained in the usable area thus defined.
 - 3) Each single-family dwelling shall be located on a lot having an area of at least eight thousand (8,000) square feet.
 - 4) Lot Frontage - Each lot shall have a minimum width of seventy (70) feet at the existing or proposed street line.
 - 5) Lot Setbacks - The following setbacks shall be observed:
 - i) No dwelling shall be located within ten (10) feet of any lot line.
 - ii) No building shall be located within twenty- five (25) feet of any street.

- iii) No rear yard adjoining a boundary line of the subdivision shall be less than forty (40) feet in depth, except where the adjoining land is also subdivided by the cluster method.
- f) Off-street parking shall be provided according to the minimum requirements set forth in Article VI of this Ordinance. Layout and improvement of parking lots and garages shall also conform with this Section and other applicable ordinances. Design, arrangement and improvement of streets and driveways shall conform with the Borough's Subdivision and Land Development Regulations.

s. 904 Domiciliary Care Unit or Community Living Arrangement

Subject to the requirements of that zone in which it is located except as herein modified and provided.

- a) Access shall be via an arterial or collector street as designated by the Borough's Comprehensive Plan.
- b) Parking and/or facilities for loading and unloading passengers must be provided for any additional vehicles at the facility in addition to the regular requirements in Section 612.

s. 905 Funeral Home

Subject to the requirements of that zone in which located except as herein modified and provided.

- a) Access shall be via an arterial or collector street as designated by the Borough's Comprehensive Plan.

s. 906 General Manufacturing Uses

Subject to the requirements of that zone in which located except as herein modified and provided:

- a) Lot area - three (3) acres minimum
- b) Lot width - two hundred fifty (250) feet minimum
- c) Setbacks - All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d) Access must be via an arterial street or collector street as designated in the Borough's Comprehensive Plan. Traffic entrances and exits must be far enough from residential dwellings so that truck noise and vibration will be minimized.
- e) A buffer yard one hundred and fifty (150) feet must be located on the site in all instances where the site adjoins a Residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- f) Satisfactory provisions shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).

s. 907 Heavy Storage Services

Subject to the requirements of that zone in which located except as herein modified and provided:

- a) Lot area - one (1) acre minimum
- b) Lot width - one hundred fifty (150) feet minimum
- c) Access shall be via an arterial or collector street as designated by the Borough's Comprehensive Plan. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized.

- d) A buffer yard fifty (50) feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- e) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke). Toxic materials may only be stored in manner that will not create a public health hazard or a public nuisance.

s. 908 Home Occupation, Professional and Nonprofessional

- a) The home occupation shall be carried on only by members of the immediate family residing in the structure and a maximum of one nonresident employee.
- b) The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or its accessory structure. No display or products may be shown so as to be visible from outside the dwelling. A nameplate not larger than two (2) square feet in area is permitted. It must be illuminated only by indirect lighting.
- c) Not more than thirty (30) percent of a dwelling unit may be devoted to a home occupation or profession.
- d) Besides the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:
 - 1) One (1) space for the home occupation and one (1) space for each employee outside the immediate family.
 - 2) Three (3) additional spaces for a physical, dentist, barber or beauty shop. (See Section 606)

s. 909 Industrial Park

In passing upon special exception applications for an industrial park, the following performance standards are required:

- a) Lot area - 10 acres minimum.
- b) Lot width - 300 feet minimum.
- c) The industrial use must have access to a major thoroughfare. Traffic going to and from the industrial use must not use a residential street. Traffic routes and exits will be far enough away from dwellings so that truck noise and vibration will be minimized.
- d) Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors, and gases, electrical emissions, and industrial wastes). Every effort must be made to prevent the above by:
 - 1) Control of lighting.
 - 2) Design and maintenance of structures.
 - 3) Use of planting screens or attractive fences.
 - 4) Placement of structures on the site.
 - 5) Appropriate control of use.
 - 6) Prompt removal of solid waste material.

- e) The industrial use is harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, low structural density, and architectural controls.
- f) The distance separating all industrial uses and buildings from surrounding properties shall be great enough to constitute a buffer so that no property adjacent to the proposed use shall be adversely affected.

s. 910 Inn - Bed and Breakfast

Subject to the requirements of the zone in which it is located, except that in addition to the off-street parking for the use as a home, it shall also be required to provide additional parking as provided in Section 612.

s. 911 Light Manufacturing Use

Subject to the requirements of that zone in which it is located except as herein modified and provided:

- a) Lot area - 1 acre minimum
- b) Lot width - 150 feet minimum
- c) Setbacks - All buildings must be set back at least one hundred (100) feet from a street line.
- d) A buffer yard at least fifty (50) feet wide must be located on the site in all situations where the site adjoins a residential use. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading or storage purposes.
- e) Access shall be via an arterial or collector street as designated by the Borough's Comprehensive Plan. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized.
- f) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).

s. 912 Medical Clinic

Subject to the requirements of this zone except as herein modified and provided.

- a) Lot area - one (1) acre minimum.
- b) Lot width - one hundred fifty (150) feet minimum.
- c) Side setback - thirty (30) feet minimum.
- d) Building coverage - fifteen (15) percent maximum.
- e) Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- f) Buffers and screens shall be provided as accessory to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- g) No nameplate or other sign displayed on the premises shall exceed six (6) square feet.
- h) Must have direct access on an arterial street or collector street as designated in the Borough's Comprehensive Plan.

s. 913 Mobile Home Park

Subject to the requirements of that zone in which it is located except as herein modified and provided:

- a) The minimum tract area shall be ten (10) acres.
- b) Public sewer and public water must be utilized, and each lot must be not less than seven thousand five hundred (7,500) square feet in area and not less than sixty (60) feet wide at the building setback line.
- c) Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty (20) feet and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two mobile homes be less than thirty (30) feet.
- d) The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguard to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- e) A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

s. 914 Motor Freight Depot, Truck Terminal

Subject to the requirements of that zone in which it is located except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough's Comprehensive Plan.
- b) A buffer yard fifty (50) feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- c) Satisfactory provision shall be made to minimize harmful or unpleasant effect (noise, odors, fumes, glare, vibration, smoke).

s. 915 Multi-Family Dwelling Units

Multi-family dwelling units, including town or row houses and garden apartments, shall meet the following criteria and other such conditions as the Zoning Hearing Board may require:

- a) Lot area - Six (6) acre minimum
- b) Lot width shall not be less than one hundred fifty (150) feet.
- c) No two detached buildings shall be closer to one another than the combined height of the two buildings at any two points of comparison.

Ordinance 2000-007, 11/6/00, Section 915 (d)

- d) The maximum number of dwelling units on a level is five with a maximum of ten dwellings units per building.
- e) Within the required open space, a portion of the total lot area equal to fifteen one hundredths (0.15) times the habitable floor area shall be assigned and developed for active recreational use. Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the owner.

- f) The landscaped area shall not be less than twenty- five (25) percent of the total area.

Ordinance 2002-010, Section 915(g)

- g) The total number of dwelling units per gross acre shall not exceed six (6).
- h) The layout and design shall be consistent with current principles and practices of modern site planning and development. In accordance with Section 503 (5) of the Pennsylvania Municipalities Planning Code, the Borough reserves the right to alter site plans which do not conform with such principles and practices and which do not meet the design provisions of the Borough's Subdivision and Land Development Ordinance.

s. 916 Nursing Home and Convalescent Homes

- a) For nursing and convalescent homes, a lot area of not less than one thousand (1,000) square feet per bed shall be provided, but in no case shall the lot area be reduced below that required for the zone in which nursing home is to be constructed.
- b) No building shall be located closer than fifty (50) feet to any lot line.
- c) Direct access to an arterial or collector street shall be available.
- d) Buffers and screens shall be provided as necessary to adequately protect neighboring properties.

s. 917 Public Utility Building

The provisions of this Ordinance shall not apply to any existing or proposed building or extensions thereof used or to be used by public utility corporations if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed location in question is reasonably necessary for the convenience and welfare of the public.

(Ordinance 1997-001, 1/6/97, Section 918)

s. 918 Shopping Center

Subject to the requirements of that zone in which located except as herein modified and provided:

- a) Lot area - three (3) acres minimum
- b) Lot width - three hundred (300) feet minimum
- c) All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d) Parking - See Section 612.b, Retail store.
- e) Must have direct access on an arterial street or collector street as designated in the Borough's Comprehensive Plan.
- f) A buffer yard must be located on all shopping center sites where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes. The depth of this buffer yard shall be determined as follows:
 - 1) For lots of four (4) acres or less, the buffer yard shall have a minimum depth of twenty (20) feet; and
 - 2) For lots larger than four (4) acres, the buffer yard shall have a minimum depth of thirty (30) feet.

s. 919 Expansion of a Nonconformity

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

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment hereto creating the nonconformity.
- b) The total of all such expansions or alterations shall not exceed an additional thirty-five (35) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- c) Provision for access drives, off-street parking and off-street loading and unloading shall be consistent with standards required by this Ordinance.
- d) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- e) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- f) Buffers and screens shall be provided as necessary to adequately protect neighboring properties and public thoroughfares. This includes but is not limited to fences, walls, plantings and open spaces.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

(Ordinance 1997-001, 1/6/97, Section 920)

S. 920 Special Exception for Professional Center

- a) Lot area - two (2) acres minimum
- b) Lot width - three hundred (300) feet minimum
- c) All buildings must be set back at least fifty (50) feet from a property line and one hundred (100) feet from a property line.
- d) Parking - see section 612.b, retail store.
- e) Must have direct access on an arterial street or a collector street as designated in the Borough's Comprehensive Plan.
- f) A buffer yard must be provided on the professional Center site on all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking lot, loading or storage purposes. The depth of the buffer yard shall be determined as follows:
 - 1) For lots consisting of three(3) acres or less shall have a minimum buffer yard depth of twenty (20) feet.
 - 2) For lots consisting of greater than three (3) acres shall have a minimum buffer yard depth of thirty (30) feet.

(Ordinance 1998-005, 4/6/98, Section 921)

S. 921 Adult Entertainment Facilities

- a) In passage upon a special exception application for an adult entertainment facility, the Zoning Hearing Board shall require the following:

- 1) Adult entertainment facilities shall be permitted only in the Industrial (I) District.
 - 2) Adult entertainment facilities shall not be permitted to be located within one thousand (1,000) feet of either other adult entertainment facilities or of any public or private school, child daycare center, nursery school, public recreation facility, or any church or other house of worship.
 - 3) No materials, merchandise, film, videotape, or any other item offered for sale, rent lease, loan, or view upon the premises, or advertising same, shall be exhibited, displayed, or visible outside of the building or structure.
 - 4) Any building or structure used or occupied as an adult entertainment facility, shall be windowless or have an opaque covering over all windows and doors, or any area in which materials, merchandise, film, or persons could otherwise be visible from outside the building or structure.
 - 5) No sign shall be erected or placed upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, videotape, or entertainment offered therein.
 - 6) Each entrance to the premises shall be posted with a notice of at least four (4) square feet specifying that the structure is an adult entertainment facility, that persons under the age of eighteen (18) years are not permitted to enter therein, and warning all other persons that the building contains sexually explicit material.
 - 7) The applicant, if an individual, must be at least eighteen (18) years of age. If the applicant is other than an individual, the applicant must provide the names and addresses of all partners, corporate officers, or any individual who has an interest of ten (10%) percent or greater in the business.
 - 8) The applicant must provide a sketch or diagram showing the floor plan of the premises, including the total floor space, and the location of the building on the lot.
 - 9) The adult entertainment facility shall comply with all other Borough Ordinances, or federal, state, or county requirements.
- b) Once a special exception has been granted by the Zoning Hearing Board, applicant shall apply to the Zoning Officer for a permit.
- 1) Any person who operates an adult entertainment facility without a valid permit issued by the Borough, is in violation of the Zoning Ordinance.
 - 2) The application shall be on a form provided by the Zoning Officer, and shall be accompanied by a sketch or diagram as required in subsection (8), above.
 - 3) The applicant shall provide the same information to the Zoning Officer as required in subsection a) above.
- c) Issuance of permit: The Zoning officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application which complies with subsection b, above, unless he or she finds one or more of the following:
- 1) An applicant is under the age of eighteen (18) years of age.
 - 2) An applicant or his or her spouse is overdue in their payment to the Borough of taxes, fees, fines, or penalties assessed against him or her in relation to adult entertainment facility, or the property in which it is or is to be located.
 - 3) An applicant has failed to provide information reasonably necessary for the issuance of the permit, or has falsely answered a question or request for information on the application form.

- 4) An applicant is residing with or married to a person who has been denied a permit by the Borough to operate an adult entertainment facility within the preceding twelve (12) months, or is residing with a person who is licensed to operate an adult entertainment facility has been revoked within the preceding twelve (12) months.
 - 5) The premises to be used for the adult entertainment facility are not in compliance with this Zoning Ordinance or any other Ordinance from the Borough.
 - 6) The permit fee required by the Zoning Ordinance has not been paid.
 - 7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the Zoning Ordinance.
 - 8) An individual applicant or any individual holding a direct or indirect interest of more than ten (10%) percent or a corporate applicant, or any of the officers or directors of a corporate applicant, or any of the partners, including limited partners of a partnership, or the manager or other person in charge of the operation of the business, has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania, within two (2) years of the date of the application in the event of a misdemeanor, and within five (5) years of the date of an application in the event of a felon.
 - 9) The proposed activities violate any federal or state law regarding sexual conduct, sexually explicit nudity, obscenity, or pornography.
 - 10) If the Zoning Officer or Codes Enforcement Officer denies a license, or denies the renewal of a license, the applicant shall not be issued a permit for one (1) year from the date of denial, except that the applicant can re-apply after he or she has corrected or cured the defects which caused denial.
- d. A permit, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult entertainment facility. The permit shall be posted in a conspicuous place at or near the entrance to the adult entertainment facility so that it may be easily read at any time.
 - e. Each permit shall be for a period of one (1) year, shall be renewable on an annual basis, shall be renewable only upon application by the applicant, and must at the time of application comply with all of the conditions of this section.
 - f. The applicant shall pay an annual fee for the adult entertainment facility in the amount of two hundred and fifty (\$250.00) dollars.
 - g. Inspection: An applicant or permittee shall permit representatives of the Borough, including the Zoning officer, Codes Enforcement Officer or other designated Borough officials, and members representative of the police department serving the Borough, to inspect the premises of an adult entertainment facility for the purpose of assuring compliance with the Zoning ordinance and the law at any time that the adult entertainment facility is occupied or open for business. A failure or refusal to permit such inspection shall be the basis for revocation or suspension of the permit and shall constitute a violation of the Zoning Ordinance.
 - h. Suspension or revocation of permit.
 - 1) The Zoning Officer shall suspend a permit for a period not to exceed thirty (30) days if he or she determines that a permittee has:
 - i) violated or is not in compliance with any section of the Zoning Ordinance;

- ii) engaged in excessive use of alcoholic beverages while on the adult entertainment facility's premises;
 - iii) refused to allow an inspection of the adult entertainment facility premises as permitted by this section; and
 - iv) knowingly permitted gambling by any person on the adult entertainment facility premises.
- 2) Revocation of permits. The zoning Officer shall revoke a permit if he or she determines that a permittee or an employee of a permittee has:
- i) been arrested for or charged with violating any law of the commonwealth of Pennsylvania relating to sexual conduct, sexually explicit nudity, obscene material, or pornography, or the liquor code, or the Pennsylvania Crimes Code relating to gambling, on the premises of the adult entertainment facility;
 - ii) such revocation shall be rescinded and the permit shall be reinstated in the event that the permittee or employee of a permittee is adjudicated or adjudged not guilty of such offense, or is placed in the accelerated rehabilitative disposition program;
 - iii) a permit shall be revoked if a cause for suspension occurs, and the permit has been suspended or revoked within the preceding twelve (12) months.
 - iv) an applicant has provided false or misleading information or incomplete information in the permitting process as set forth in subsection, a, b, or c of this Section; and
 - v) a revocation shall continue for one (1) year, and the permittee shall not be issued an adult entertainment facility permit for one (1) year from the date revocation became effective except in the case of a revocation for conviction of a misdemeanor as described in subsection c[8], in which case the revocation shall be effective for two (2) years, or a felony, as set out in subsection c[8], in which case the revocation shall be for five (5) years.
 - i) Remedies: In addition to remedies for violation of this Zoning Ordinance, a person who operates or causes to be operated an adult entertainment facility without a valid permit, or in violation of this Zoning Ordinance may be subject to an action in equity or a suit for injunction, or such other actions as shall be permitted by law, at the discretion of the Borough.

(Ordinance 2000-007,11/6/00, Section 922)

S. 922 Post Office

Subject to the requirements of that zone in which it is located. except as herein modified and provided.

- a) Access shall be via an arterial or collector street as designated by the Borough's comprehensive Plan.
- b) Parking - See Section 612(b), other Commercial Buildings
- c) Appearance shall be harmonious with adjoining properties. This feature includes, but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- d) Business conducted at this facility should adhere to Section 605.2-environmental Regulations /Performance standards.

(Ordinance 2000-007,11/6/00, Section 923)

S. 923 Banquet Hall/Meeting Room

Subject to the requirements of the zone in which it is located except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough's comprehensive Plan.
- b) Parking - See Section 612(b), Clubs, Lodges, and other similar places.
- c) Appearance should be harmonious with adjoining properties. This feature includes, but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- d) The renting of this facility should adhere to Section 605.2 - Environmental Regulation Performance Standards.

(Ordinance 2000-007,11/6/00, Section 924)

S.924 Club House

Subject to the requirements of the zone in which it is located except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough's comprehensive Plan.
- b) Parking - See Section 612(b), Clubs, Lodges, and other similar places.
- c) Appearance shall be harmonious with adjoining properties. This feature includes, but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- d) Business conducted at this facility should adhere to Section 605.2-Environmental Regulations \Performance standards.
- e) A need must exist for a Club House. Officers of the Club House must register with the Borough prior to the first meeting.

(Ordinance 2000-007,11/6/00, Section 925)

S. 925 Professional Office Building

- a) Lot area-three(3) acre minimum
- b) Lot width-three hundred (300) feet minimum
- c) All buildings must set back at least fifty (50) feet from a property line and fifty (50) feet from a street right-of-way
- d) Parking - See Section 612 (b), office building
- e) Must have a direct access on an arterial street or a collector street as designated in the Borough's Comprehensive Plan.
- f) A buffer yard must be provided on the Professional Building site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking lot, loading, or storage purposes. The depth of the buffer yard shall be determined as follows:
 - 1) For lots consisting of four (4) acres or less, shall have a minimum buffer yard depth of twenty (20) feet.
 - 2) For lots consisting of four (4) acres or more, shall have a minimum buffer yard depth of thirty (30) feet.

ARTICLE X

ADMINISTRATION

s. 1000 Permits

- a) Building Permits - Where required by the Stewartstown Borough Building Permit Ordinance for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Building Code Official. A building permit expires one (1) year from the date of issuance. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance:
 - 1) Lot - The location and dimensions of the lot.
 - 2) Streets - Names and widths of abutting streets and highways.
 - 3) Structures and Yards - Locations, dimensions, and uses of existing and proposed structures any yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.
 - 4) Improvements - Proposed off-street parking and loading and unloading areas, access drives, and walks.
- b) Use Certificates - A use certificate, certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established.
 - 1) Use of a structure erected, structurally alter or extended, or moved after the effective date.
 - 2) Use of vacant land except for agricultural purposes.
 - 3) Any change in a conforming use of a structure of land.
 - 4) Any change from a nonconforming use of a structure or land to a conforming use.
 - 5) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.
- c) The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect for as long as the use of the structure or land for which it is granted conforms with this Ordinance.

s. 1001 Zoning Officer - Powers and Duties

- a) Appointment and Powers - For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer and/or Building Official where appropriate, shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform Council. The Zoning Officer and/or Building Official where appropriate, shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance. The Zoning Officer and/or Building Code Official is the enforcement officer for this Ordinance. He issues all building permits, use certificates,

and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures. The Zoning Officer and/or Building Code Official shall enforce any violations of these ordinances as he finds such and notify council of same. All inspections, zoning or code or demand, shall be accomplished by physical inspection by the Zoning Officer and/or Building Code Official.

- b) Forms - The Zoning Officer and/or Building Code Official must provide a form or forms prepared by the Borough solicitor for:
 - 1) Building permits
 - 2) Special exceptions
 - 3) Use certificates
 - 4) Appeals
 - 5) Variances
 - 6) Registration of nonconforming uses and nonconforming structures.
- c) Transmittal of Papers - Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Office must transmit to the Secretary of the Zoning Hearing Board and the Borough Planning Commission, copies of all papers constituting the record upon the special exception, variance or appeal.
- d) Action on Building Permits - Within 15 working (for commercial permits 30 working days) except for holidays, after receipt of an application for a building permit, the Building Code Official must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit ordinance and this Ordinance, the Building Permit Official must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.
- e) Action on Zoning Permits - Within working 15 days, except for holidays, after receipt of an application for a zoning permit, the Zoning Officer and/or Building Code Official must grant or refuse the certificate. If the application conforms to the applicable requirements of the zoning permit ordinance and this ordinance, the Zoning Officer and/or Building Code Official must grant the permit. If the permit is not granted, he must state in writing the grounds of his refusal.
- f) Action of Use Certificates - Within 15 working days, except for holidays, after receipt of any application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise he must state in writing the grounds for his refusal.
- g) Action on Certificate of Occupancy - Within 15 working days, except for the holidays, after receipt of any application for a certificate of occupancy, the Building Code Official must grant or refuse the certificate. If the specifications and intended occupancy conform in all respects with the provisions of this ordinance, he must issue a certificate to that effect. Otherwise he must state in writing the grounds for his refusal.
- h) Enforcement - Upon determining that a violation of any of the provisions of this ordinance exists, the Zoning Officer and/or Building Code Official must serve notice on the person committing or permitting the same that a violation of the Zoning Ordinance exists and shall notify the Borough Council of same. Following the notice, he must take the action necessary to terminate the violation, including recourse to a court of record.

- i) Records - The Zoning Officer and/or Building Code Official must keep a record of:
 - 1) All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
 - 2) All complaints of violations of provisions of this Ordinance and the action taken on the complaints.
 - 3) All plans submitted.
 - 4) Nonconforming uses and nonconforming structures.

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

- j) Reports - At intervals of not greater than six (6) months, the Zoning Officer and/or Building Code Official shall report to the Borough Council:
 - 1) The number of building permits and use certificates issued.
 - 2) The number of complaints of violations received and the action taken on these complaints.

s. 1002 Appeals

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, and/or Building Code Official may appeal in manner set forth in the Article X of the Pennsylvania Municipalities Planning code, Act 247 as amended.

s. 1003 Erroneous Permit

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by aboard, agency, or employee of the Borough purporting to validate such a violation.

s. 1004 Violations

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance or prior enabling laws, the Borough Council or, with the approval of the Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given. (Pennsylvania Municipalities Planning Code, s.617)

s. 1005 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance or prior enabling laws shall, upon being found liable there for in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall

constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event here shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section. (Pennsylvania Municipalities Planning Code, s.617.2)

s. 1006 Amendments

- a) The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
- b) Before voting on the enactment of an amendment, Borough Council shall hold a public hearing hereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Borough Council shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the amendment by the Borough Council, the Planning commission shall submit the proposed amendment to the County Planning Commission for recommendations.
- c) Curative Amendment - A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the PA Municipalities Planning code, Act 247 as amended.

s. 1007 Fees

The Borough Council shall from time to time set fees for all applications, permits, or appeal provided by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be adopted by resolution and shall be available at the Borough Building for inspection.

ARTICLE XI

INTERPRETATION, VALIDITY, REPEALER AND EFFECTIVE DATE

s. 1100 Interpretation

In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare.

s. 1101 Repealer

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

s. 1102 Validity

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part whereof other than the part so declared to be unconstitutional or invalid.

s. 1103 Effective Date

This Ordinance shall take effect immediately upon adoption and publication according to law Adoption by the Borough Council of Stewartstown Borough, York County, Pennsylvania, and enacted and ordained into an Ordinance the 2nd day of February 1970, amended on the 1st day of November 1976, and amended this 2nd day of August, 1993.

Borough of Stewartstown
York County, Pennsylvania

ATTEST:

By: _____
Secretary

By: _____
President of Council

By: _____
Mayor

Approved this 2nd day of August, 1993.