

# **ZONING ORDINANCE**

**CONYNGHAM BOROUGH  
LUZERNE COUNTY, PENNSYLVANIA**

**JULY 1994**



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## ARTICLE 1

### GENERAL PROVISIONS

101. TITLE. An Ordinance establishing districts and regulations pertaining to the use of land within districts; creating a Zoning Hearing Board for the administration of regulations; and providing means to enforce this Ordinance.
102. SHORT TITLE. This Ordinance shall be known as and may be cited as the Zoning Ordinance of the Borough of Conyngham, Pennsylvania.
103. PURPOSE.
- A. This Ordinance is hereby adopted in accordance with
1. the provisions and requirements of Act 247 (the Pennsylvania Municipalities Planning Code), as amended, by Act 170 of 1988.
  2. the community development objectives of the Conyngham Comprehensive Policy Plan, as amended from time to time,
  3. an overall program, and
  4. consideration for the character of the Borough, its various parts and the suitability of the various parts of the particular uses and structures.
- B. In addition to carrying out the objectives of the Conyngham Comprehensive Policy Plan, this Ordinance is designed:
1. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of safe, reliable and adequate water supply for domestic, commercial, agricultural, or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains, and to protect property values.
  2. To prevent one or more of the following: overcrowding of land, blight, pollution, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be made in accordance with an overall planning program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

3. To preserve watersheds, conservation areas and to control floodplain areas, considering topography, soil type and classification, and present use.
4. To provide for the use of land within the municipality for residential housing of various dwelling type encompassing all basic forms of housing, including single-family and two-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

104. APPLICATION.

- A. No building, structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.
- B. This Ordinance regulates:
  1. the location, height, bulk, and size of buildings and other structures;
  2. the relation of such buildings or structures to roads and highways, their intersections and interchanges, to steep slopes and natural bodies of water, to public buildings and public grounds, to airports and heliports, to historic buildings and places, and to floodplains;
  3. areas and dimensions of land and bodies of water to be occupied by uses and structures; the percentage of a lot that may be occupied, the size and use of yards, courts, and other open spaces;
  4. the density and distribution of populations and intensity of use; and
  5. the uses of land, buildings, and structures for residents, trade, industry, and other purposes.

105. INTERPRETATION.

- A. Minimum Requirements. The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its source.

B. Exemplary Lists. Any list of permitted or prohibited uses is not an exhaustive list, but is included to clarify, emphasize and illustrate, by example, uses which are desirable or undesirable.

106. SEVERABILITY. It is hereby declared to be the legislative intent that:

A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, structure, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be effective.

C. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

107. REPEALER. All other Borough zoning ordinances or parts thereof that were adopted prior to this Ordinance and are in conflict with this Ordinance are hereby repealed.

108. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of adoption.

109. ENACTMENT. Enacted and ordained into an Ordinance this Sixth of July, 1994.

Date of Hearings August 23, 1993<sup>rd</sup> April 18, 1994  
Borough Council

Date of Adoption July 6, 1994

Borough Council Jacque Wetzel  
President

Approved the 12<sup>th</sup> day of July, 1994.

Conrad J. Wittig  
Mayor

## ARTICLE 2

### DEFINITIONS

201. GENERAL INTERPRETATION. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. The singular shall include the plural, and the plural shall include the singular.
- C. The masculine gender shall include the feminine and the neuter and vice-versa.
- D. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
- E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".
- F. Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

202. DEFINITIONS. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abandoned Vehicle. Any inoperable vehicle which has been lacking a currently effective state license and inspection sticker for a period of at least one (1) year.

Abut. Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way".

Access Drive. A privately owned, constructed, and maintained vehicular access from a public or private street to four (4) or more off-street parking spaces or to at least one (1) loading space.

Accessory Apartment. One (1) or more dwelling units incidental to a principal use located in the upper floors or to the rear of the principal building within one (1) lot. Each dwelling unit must have its own sanitary, sleeping and cooking facilities and separate access to the outside or to a common hallway or balcony.

Accessory Building. A building (such as a private garage, private toolhouse or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

Accessory Structure. A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use subordinate and customarily incidental to the principal use on the same lot.

Acre. 43,560 square feet.

Adjacent. A state of being side by side, next to, adjoining, contiguous, or abutting one to another.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or an establishment with a designated segment or section devoted to the sale or display of such material.

Adult Motion Picture Theatre. An enclosed building or outdoor theater used for presenting motion pictures, slides or video tape disks or similarly reproduced images distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities for observation by patrons therein.

Agriculture. The raising and keeping of field crops, tree crops (i.e. orchards) or vine crops for any commercial purpose. For the purpose of this ordinance, the term "Agriculture" does not include animal husbandry, commercial forestry, or agricultural industries (see separate definitions).

Alley. A public or private way affording only secondary means of access to abutting property.

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

Animal Hospital. A building, structure, or area of land where animals are given medical care, other than the premises where such animals are normally kept.

Animal Husbandry. The raising and keeping of livestock or poultry for any commercial purpose. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance and the raising of garbage-fed pigs or minks shall not be construed as animal husbandry.

Attic. The part of a building which is immediately below and wholly or partly within the roof framing.

Auditorium. A building containing a stage and seating for meetings and performances.

Auto Gas Station. A place where only gasoline and a limited selection of automobile accessories are sold to the public at retail.

Auto, Recreation Vehicle, or Boat Sales Area. An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, recreation vehicles, or boats in operable condition, and where no major repair work is done.

Auto Repair Station. Buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major repairs are conducted.

Auto Service Station. Buildings and land areas where gasoline, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor repairs are conducted. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than customary. Outside storage of inoperable or unlicensed vehicles at service stations is limited to a maximum seven (7) day period of time for each such vehicle.

Bank. Includes Savings & Loan, Finance Companies, Credit Unions and other similar enterprises.

Basement. A story in a building (excluding a subterranean building) which has a structural ceiling five (5') feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road. A basement shall be counted as one story in determining the permissible number of stories.

Bed and Breakfast. The use and occupancy of a single-family detached dwelling for accommodating transient guests for rent.

Block. Property bounded on one side by a street, and on the other three (3) sides by a street, railroad right-of-way, public park, waterway, borough line, tract of land held in separate ownership or any combination thereof.

Block Frontage. That portion of block which fronts on a single street.

Board or Zoning Hearing Board. The Zoning Hearing Board of the Borough of Conyngham.

Boarding House (Rooming House, Lodging House). A dwelling in which the owner or tenant rents at least one (but not more than five) rental units for residential or lodging purposes, regardless of whether meals are furnished or not.

Bomb or Fallout Shelter. A structure designed as a bomb or fallout shelter under applicable Federal or State standards.

Borough. Borough of Conyngham, Luzerne County, Pennsylvania.

Borough Council. The governing body of Conyngham Borough.

Buffer Yard. A strip of land at least twenty (20') feet in width which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any other use than open space.

Building. A structure having a roof supported by columns or walls, used for the shelter, housing, or enclosure of persons, animals, or property. "Building" is interpreted as including "or part thereof".

Building Coverage. The ratio obtained by dividing the maximum horizontal cross section of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

Building, Detached. A building surrounded by open space on all four sides within the same lot.

Building Height. The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the site covered by the building to the highest portion of the roof.

Building Line or Building Setback Line. A line, established by the Zoning Ordinance, within a lot defining the minimum distance between any structure or portion thereof to be erected or altered, and an adjacent right-of-way or street line.

Bulk. A term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space or to tracts of land, to lot lines or to other buildings or structures.

Bulk Fuel Storage. Any structure designed for the above ground storage of fuel for commercial distribution.

Cabaret. A club, bar, tavern, theater, hall or similar place which features topless or bottomless dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts or similar entertainers or entertainment.

Carport. A building open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Cartway. The paved portion of a street or highway designed for vehicular traffic.

Cellar. A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than five (5') feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.

Commercial Crop Storage. The storage of agricultural crops for any commercial purpose.

Commercial Crop Storage. The harvesting of trees for any commercial purpose in area greater than ten (10) acres in size.

Commercial Motor Vehicle. A motor vehicle licensed by the Commonwealth in a class other than Class I or Class II.

Commercial Outdoor Recreation. Any area which is predominantly open space, is used principally for active or passive recreation, and is used for a profit-making purpose.

Commission. The Planning Commission of the Borough of Conyngham.

Comprehensive Plan. The document entitled Comprehensive Plan for Conyngham Borough, or any part thereof, adopted by the Borough Council.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act.

Construction. Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; and the demolition of a pre-existing building, provided that further construction be diligently carried on.

Contractors Yards. Land used for the storage of machinery, vehicles, equipment and supplies used in the construction industry.

Conversion. To change or adapt land or structures to a different use, occupancy or purpose.

County. The County of Luzerne, Commonwealth of Pennsylvania.

County Planning Commission. The Luzerne County Planning Commission.

Cultural Center. A building and/or land open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature study area, etc.

Curative Amendment. A proposed zoning amendment made to the Borough Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

Day Care Center. A facility in which care is being provided for seven (7) or more children, at any one time, where child care areas are not also being used as a family residence and the provider meets the requirements of a day care center as specified in Section 8A of the Pennsylvania Day Care Service for Children Regulations.

Deck. A flat-floored, elevated, roofless area adjoining a house.

Detached. A state of being surrounded on all sides by yards.

District (or Zoning District. A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In Commercial Uses. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to three (3) or less off-street parking spaces.

Dump. A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, vehicle or parts thereof, or waste material of any kind.

Dwelling (Residence, Residential Structure). A building containing one (1) or more dwelling units. The term "dwelling" shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house, or other group residence.

1. Single Family Detached Dwelling. A detached building containing only one (1) dwelling unit. The term "Single Family Detached Dwelling" shall be deemed to include a factory built "Modular Home" placed on a permanent perimeter foundation.

a. Modular Home (defined by the Pennsylvania Industrialized Housing Act/Act 70). Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site; housing units defined as mobile homes are excluded from this definition.

2. Mobile/Manufactured Home. A transportable, single family dwelling designed so that it can be used for permanent occupancy, 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 with a permanent foundation.

Mobile/Manufactured Homes shall be constructed in accordance with the Safety and Construction Standards of the U. S. Department of Housing and Urban Development. The term "Mobile/Manufactured Home" shall not be deemed to include "Recreation Vehicle" nor a "Modular Home" placed on a permanent perimeter foundation.

3. Two-Family Dwelling. A detached building containing two (2) dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of both dwelling units shall comply with all requirements for a two-family dwelling in that district.
4. Multiple Family Dwelling. A building containing three (3) or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple family dwelling shall comply with all of the requirements for that type of multiple dwelling in that district.
  - a. Low-Rise Multiple Family Building. A Multiple Family Dwelling including Townhouses, Garden Apartments, and other housing types) which do not contain more than six (6) dwelling units, does not exceed three (3) stories in height, and in which each dwelling unit has an independent outside access.
    - (1) Garden Apartment. A Low-Rise Multiple Family Building in which individual dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to a common cellar.
    - (2) Townhouse. A Low-Rise Multiple Family Building in which each dwelling unit extends from ground to roof and contains two (2) points of independent outside access.
  - b. Low-Rise Apartment. A Multiple Family Dwelling not exceeding three (3) stories in height, which does not contain more than six (6) dwelling units and in which each dwelling unit shares a common outside access with at least one (1) other dwelling unit.
  - c. High-Rise Apartment. A Multiple Family Dwelling over three (3) stories in height, in which each dwelling unit shares a common outside access with at least one (1) other dwelling unit and elevators serve each floor.

Dwelling Unit (Housing Unit). One or more rooms intended to be occupied by one (1) family as separate living quarters, containing sanitary facilities, kitchen facilities, and having outside access directly from the dwelling unit or through a common access hall.

Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems.

Family. One (1) or more persons related by blood, marriage, or adoption (or a group of not more than five (5) persons not related by blood, marriage, or adoption) living together in a single dwelling and maintaining a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, or lodger.

Family Day Care Home. Any premise other than the child's own home operated for profit or not for profit in which child care is provided at any one time to four, five, or six children who are not relatives of the caregiver.

Farm Pond. A man-made body of water at least two thousand (2,000) square feet in area used for agricultural or recreational purposes.

Fast Food Restaurant. A building in which food is prepared and served to the public for consumption, but where no waiters or waitresses take orders and serve food to seated patrons at tables, booths, or counter seats.

Fence. Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, masonry, vegetation or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line of any front, side or rear lot line. Any such structure consisting in whole or in part of vegetation shall be placed so that, at maturity, no part of the vegetation shall extend into adjoining properties. The term "fence" shall be deemed to include a wall.

Floor Area or Gross Floor Area. For the purposes of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising or service types of users, shall mean the gross floor area used or intended to be used by tenants, or for the service to the public or customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or dressing rooms, fitting or alteration rooms.

Garage, Private. Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service provided therewith.

Government Services and Facilities. Municipal, County, State, or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

Grade. The mean curb level; when a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

Group Day Care Home. A facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. A facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, may be licensed/approved as a day care center if care is provided in a facility where the child care areas are not being used as a family residence and the provider meets the requirements of a day care center as specified in Section 8A of the Day Care Service for Children Regulations.

Group Home. A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable State program.

Hazardous Waste. Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.

Height of Signs or Other Structures. The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Home Occupation. An accessory use for commercial gain customarily conducted within a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character.

Hospital. A building used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to include a sanitarium, sanitorium, clinic, medical center or other equivalent use.

Hotel (Motel). A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws.

Impervious Coverage. Any area covered by a structure or other cover which is incapable of being penetrated by moisture.

Junk or Salvage. Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

Kennel. Any lot on which six (6) or more adult (over six (6) months of age) dogs or cats are kept.

Kitchen Facilities. Shall consist of all the following: sink with piped water, a permanent cookstove and a refrigerator.

Landowner. The owner of a legal or equitable interest in land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.

Lodging House. See "Boarding House."

Lot. Any parcel or tract of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. The term "lot" includes the word "plot", "parcel", and "tract".

1. Corner Lot. A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.
2. Flag Lot. A single irregular shaped interior lot, the principal or larger area of which is located to the rear of another interior lot, access to which is over the narrow portion of the lot which extends from the principal area to the street. Road access is to be utilized for this single Flag Lot only.
3. Interior Lot. A lot other than a corner lot (whose sides do not abut a street).
4. Reverse Frontage Lots. Lots which front on one public street but provide vehicular access solely from another public street at the rear of the lot.
5. Through Lot. An interior lot having frontage on two (2) streets.

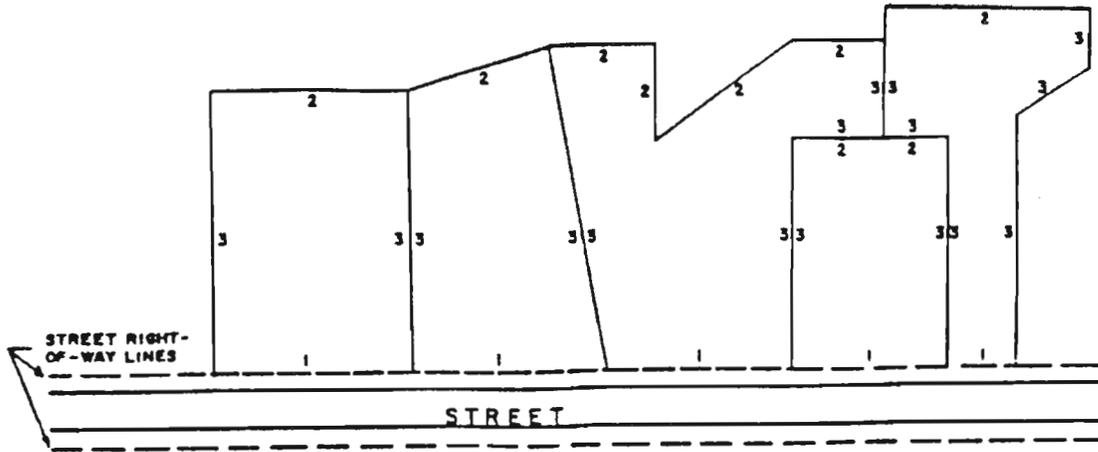
Lot Area. The area contained within the lot lines, excluding space within all existing and future road rights-of-way.

Lot Coverage. A percentage which when multiplied by the lot area will determine the permitted building area, including all roofed structures and buildings.

Lot Depth. The mean average horizontal distance between the front and the rear lot lines.

Lot Lines. The property lines bounding the lot.

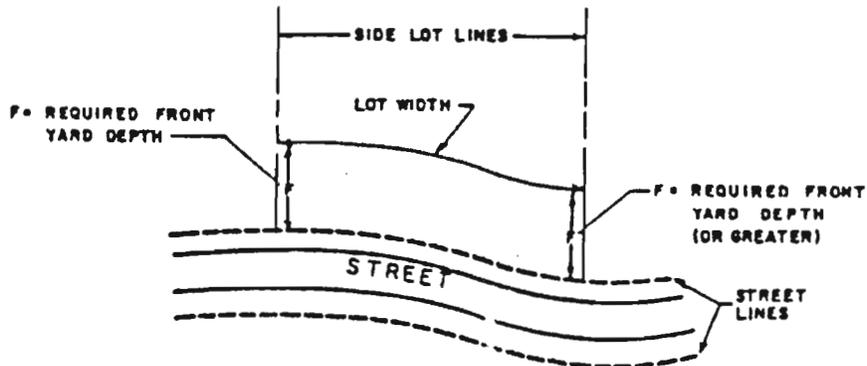
1. Front Lot Line (Street Line). A lot line separating the lot from a street right-of-way. The front lot line shall be the same as an existing or future right-of-way line (whichever establishes a greater width).
2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three (3) sided lot has no rear lot line.)
3. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

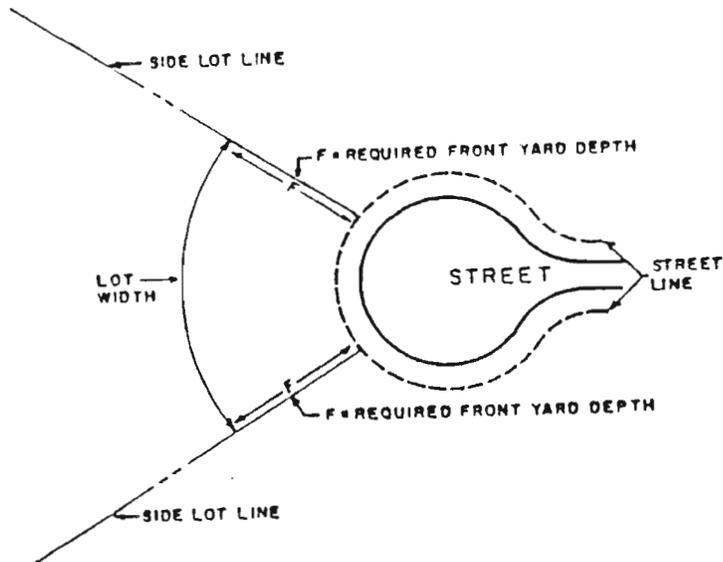


SAMPLE LOT CONFIGURATIONS: NUMBERS CORRESPOND TO THE ABOVE DEFINITIONS

Lot of Record. Any lot which individually, or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Luzerne County, Pennsylvania.

Lot Width. The horizontal distance between the side lot lines measured along the minimum prescribed front yard setback line as set forth in the Borough Zoning Ordinance.





Major Auto Repairs. Include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

Massage Parlor. Any place or establishment where a massage is available. A massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school.

Mediation. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Medical Office Building. A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

Membership Club. An area of land or building owned, leased, or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.

Mini-Warehouse/Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal property.

Minor Auto Repairs and Services. Includes

- a. Sale and servicing of spark plugs, batteries and distributors and distributor parts;

- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- d. Radiator cleaning and flushing;
- e. Washing and polishing and sale of automotive washing and polishing materials;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil filters and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency electrical repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- l. Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and
- m. Provision of road maps and other informational material to customers; provision of restroom facilities.

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

Mobilehome Lot. A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Motel. See "Hotel".

Nonconforming Lot. A lot which does not conform with the minimum lot width, or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Board.

Nonconforming Structure. A structure which could not be built under this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, but was lawfully in existence prior to the effective date of this Ordinance.

Nonconforming Use. A use which does not comply with the applicable use provisions of this Ordinance, but which was lawfully in existence prior to the effective date of this Ordinance.

Nursery/Greenhouse. The raising of trees (for transplanting), ornamentals, shrubs, flowers or houseplants for any commercial purpose.

Nursing Home. A building containing sleeping rooms used by elderly persons who are lodged and furnished with meals with or without nursing care.

Nursery School. A facility, not in a private residence providing instruction and care for seven (7) or more children, no more than five (5) years of age. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pa.

Office. A building in which a business is conducted, but is not a personal service, professional service, or retail store.

Official Map. The Official Map as adopted or amended by Borough Council showing the characteristics of streets, watercourses, and public grounds.

Official Street Classification Map. The map as adopted or amended by Borough Council classifying the streets of the Borough into functional categories.

Official Zoning Map. The map as adopted or amended by Borough Council which designated the location and boundaries of zoning districts.

Open Space. The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

Open Space, Common. A parcel or parcels of land, or an area of water, or a combination of land and water within a development site which is open space designed and intended for the use or enjoyment of residents of a development.

Orchard. The raising and keeping of tree crops for any commercial purpose.

Ordinance. The Conyngham Borough Zoning Ordinance, including the Official Zoning Map and any amendments enacted by Borough Council.

Park. Any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.

Parking Facilities. Outdoor areas or specially designed buildings or garages used for the storage of vehicles.

Parking Space. An off-street space available for the parking of one (1) motor vehicle and having a minimum of two hundred (200) square feet, exclusive of driveways, passageways and maneuvering space appurtenant thereto, and having access to a public street.

Patio. A recreation area that adjoins a dwelling and is usually paved or surfaced in some manner.

Permit. A document issued by the proper Borough authority authorizing the applicant to undertake certain activities.

1. Zoning Permit. A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building or structure.
2. Building Permit. A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building code which may be adopted by the Borough which authorizes an applicant to commence with said construction, alteration or construction.
3. Occupancy Permit. A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land, or reoccupancy of a structure or land indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use. A use which does not require special action by the Zoning Hearing Board or by Borough council before a zoning permit is granted by the Zoning Officer.

Person. An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

Personal Service. A building in which a business provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

Picnic Grove. An area of land which is commercially rented for picnics

Planned Development. An area of land under single ownership containing any combination of two (2) or more principal uses permitted by right, as a special exception, or as a conditional use in the district in which the development is proposed, provided a special exception or conditional use approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed.

Planned Residential Development (PRD). An area of land controlled by a single landowner, to be developed as a single entity for a number of dwelling units in a variety of housing types, and which has a development plan that does not comply with regulations on lot size, bulk or type of dwelling, density, lot coverage or required open space, which apply to any single residential district created from time to time by the Zoning Ordinance, and which complies with the regulations contained in Appendix A.

Planning Commission. The Planning Commission for the Borough of Conyngham.

Plat. The map or plan of a subdivision or land development, whether preliminary or final.

Porch. A flat-floored, elevated area located at the entrance to a building. An open porch is defined as one without any roof.

Principal Building. The building in which the principal use of a lot is conducted.

Principal Use. The single dominant use or single main use on a lot.

Professional Office. A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician or realtor.

Public Hearing. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this zoning ordinance or other ordinances.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L.338,No.84), known as the "Sunshine Act".

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

Public Uses. Public schools, parks and administrative, cultural and service buildings and telephone exchange buildings, utilities, but not including public land or buildings devoted primarily or solely to the storage and maintenance of equipment and material.

Radio/TV Transmitter. Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.

Recreational Vehicle. A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle. "Recreation Vehicle" includes campers, pickup coaches, travel trailers, or motor homes.

Renewable Energy Source. Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Rental Unit. One or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.

Restaurant. An establishment used for the purposes of furnishing meals to the public where customers place their orders and food is served for consumption either at seating areas within the building or for take-out for consumption off the premises.

1. Fast Food Restaurant with Drive-in Service. A restaurant providing service to customers remaining seated in automobiles, either through an exterior window or service area or through service to parked automobiles.

Retail Store. A building in which retail merchandise is sold or rented, except for any type of business selling any type of retail merchandise which is specifically listed in this Ordinance.

Riding Stable. The commercial boarding or renting of horses.

Right-of-Way. Land reserved for the public or others for future use as a street or other purposes.

Rooming House. See "Boarding House".

Sanitary Facilities. All of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.

Screen. A fence or natural obstruction of sufficient height (but not less than six (6') feet high) to effectively visually obscure the area being screened from adjoining areas.

Seasonal Roadside Product Market. An accessory use for the sale of dairy, farm, greenhouse, or nursery products.

Sewage Disposal System. A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Borough.

Shopping Center. A retail commercial area designed as a unit, with adequate off-street free parking area, and usually consisting of several on-story buildings.

Sign. A visual display or image which is affixed to, painted, or represented directly or indirectly upon a building, structure, land, or any surface and which directs attention to an object, product, service, place, activity, person, institution, organization, or business, regardless of whether such display or image is permanent or temporary, but excluding displays or images which are decorative only.

1. Off-Premises Sign. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere then upon the premises where the sign is located, or to which it is affixed.
2. On-Premises Sign. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered on the premises upon which the sign is displayed or to which the sign is affixed (including signs offering premises for sale, rent or development, or advertising building trades during construction or alteration).
3. Free-Standing Sign. A sign which is not attached to a building.
4. Wall Sign. A sign which is attached to or is part of the facade of a building and does not extend more than one (1') foot from such facade.
5. Projecting Sign. A sign which is attached to the facade of a building and extends more than one (1') foot, but not more than six (6') feet, from such facade.
6. Window Sign. A sign affixed to or visible through a window or a building and that can be read from beyond the lot lines of the use.
7. Directory Sign. A sign listing two or more businesses or services in the same building or shopping center.

Sign, Gross Surface Area of. The gross surface area of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Site Alteration. Includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses. Normal agricultural tillage operations are not considered to be site alterations.

Site Plan. The Plan submitted for site plan review, prepared in accordance with the requirements of Section 409 C.

Solar Access. The capability of receiving direct sunlight between 9:00 a.m. and 3:00 p.m. (Solar Time) on any area of a lot not within required yard areas.

Special Exception Use. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.

Story (and Half-Story). That portion of building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7') feet shall be considered a full story. Any such portion of building having a vertical distance of less than seven (7') feet shall be considered a half-story. Basements shall be considered full stories while cellars shall be considered as being stories or half-stories.

Street. A public or private thoroughfare which affords the principal means of access to abutting property and contains a right-of-way area (in addition to the cartway); including avenue, place, way, parkway, lane, boulevard, highway, road and any other thorough-fare except an alley, access drive, or driveway.

1. Arterial Street. A major street or highway with medium to heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas. Arterial Streets are those streets which are so designated on the official Street Classification Map.
2. Collector Street. A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development. Collector Streets are those streets which are so designated on the official Street Classification Map.
3. Minor Street. A street used primarily for access to abutting properties. Minor Streets are those streets which are so designated on the official Street Classification Map.

Structural Alteration. Any change in the structural parts of a structure such as walls, columns, beams, girders, floors, roof or ceiling, or any addition to any structure; or the moving of a structure from one location to another. "Structural Alteration" does not include normal maintenance, minor repairs, or interior alterations.

Structure. Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof".

Subterranean Building. A building covered by land on at least fifty (50%) percent of the total surface of its walls and roof.

Swimming Club. An area containing a swimming pool which is used by the public or by members for a fee.

Swimming Pool. A body of water or receptacle for water having a depth at any point greater than thirty (30") inches which is primarily used or intended to be used for swimming or bathing.

Tavern. An establishment either a restaurant, club or cafe where liquor is furnished to the public where customers consume either on the premises or take out for consumption off the premises.

Telephone Exchange Building. A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio messages between subscribers, provided that in a residential district such building shall conform to the architectural design of the neighborhood, and shall not include public access or business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

Temporary Occupancy (Seasonal Occupancy). The use of any premises or structure for living and/or sleeping purposes for less than one hundred (100) consecutive days in any calendar year.

Temporary Structure. A structure which is not designed to last or to be used for a specific use for more than one (1) year.

Trailer. See "Mobile Home" (listed under "Dwelling") and "Recreation Vehicle".

Travel Trailer. See "Recreation Vehicle".

Tavern. A place where liquor is sold to be consumed on the premises.

Use. Any activity, occupation, business, or operation carried on or intended to be carried on in a structure or on a lot.

Variance. The granting of permission by the Zoning Hearing Board to use or alter land or structure which requires a variation from the strict application of a requirement of the Zoning Ordinance. Variances are granted only in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical condition, whereby strict application of regulations would result in practical difficulty and unnecessary hardship. Variances are granted only if specific requirements are met. A variance may not be granted to permit a use which is not permitted in the Zoning District involved.

Veterinarian Office. See "Animal Hospital".

Water Supply System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Borough.

Yard. An open space on the same lot with a structure (or a group of structures), except signs, and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

1. Front Yard. A yard extending the full width of the lot between a structure and the front lot line or side street lot line.
2. Rear Yard. A yard extending the full width of the lot between a structure and a rear lot line.
3. Side Yard. A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

Zone. See "District".

Zoning Hearing Board. See "Board".

Zoning Officer. The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance and flood control officer duties.

ARTICLE 3

ZONING DISTRICTS AND USE REGULATIONS

301. ESTABLISHMENT OF ZONING DISTRICTS.

A. For the purpose of this Ordinance, zoning districts and overlay areas are hereby established as follows:

- C Conservation District
- R-1 One-Family Residence District
- R-2 Two-Family Residence District
- R-3 Apartment Residence District
- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 Highway Business District
- FP Floodplain Overlay Area
- SS Steep Slope Overlay Area

B. For the purposes of this Ordinance, the zoning districts and overlay areas named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- C. No building, nor structure, shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, nor structure, nor land, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. Any territory which may hereafter be annexed to the Borough shall be classified as the zoning district of the Borough most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

303. ZONING MAP.

- A. A map entitled, "Zoning Map for the Borough of Conyngham" accompanies this Ordinance and is declared a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the President of Borough Council attested by the Borough Secretary, and shall bear the adoption date of this Ordinance and the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map adopted \_\_\_\_\_ (date) as part of the Conyngham Borough Zoning Ordinance."
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the Amendment procedures set forth in this Ordinance. All changes shall be noted by date with brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Borough Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the Official Zoning Map for official use.
- E.
  1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Borough Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
  2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
  3. The new Official Zoning Map shall be identified by the signatures of Borough Council, attested to by the Borough Secretary, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ (date) as part of the Conyngham Borough Zoning Ordinance."
  4. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

304. RULES FOR INTERPRETING DISTRICT BOUNDARIES.

- A. Zoning boundaries drawn approximately following the centerlines of streams, drainageways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- B. Boundaries approximately following property lot lines shall be construed as following such property lot lines.
- C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- D. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through C above, the Zoning Hearing Board shall interpret the district boundaries.

305. CONSERVATION DISTRICT (C).

A. Purpose. The purpose of the conservation District is to recognize environmentally sensitive areas of the Borough, including areas of water supply, aquifer recharge areas and floodplains and other areas, and to provide for recreation and open uses, and limited uses in these areas to conserve and protect the natural environment.

B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Conservation District by the Zoning Officer, provided that the use type, dimensional, and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Essential Services
3. Fire Stations
4. Government Facilities and Services
5. Nurseries\*
6. Open Space Preserves
7. Orchards
8. Public Parks
9. Tree Farms

\*See Section 312 A. and 312 C. for additional requirements.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Conservation District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Animal Husbandry
2. Bomb or Fallout Shelters
3. Civic, Social or Fraternal Associations
4. Commercial Forestry
5. Golf Courses
6. Picnic Groves
7. Public Utility Facilities
8. Riding Stables
9. Swimming Pools/Swim Clubs
10. Wildlife Sanctuaries

D. Accessory Uses.

1. Each accessory use in the Conservation District shall comply with the minimum yard requirements of Section 305.F., except as specifically provided for in the Ordinance.
2. Each of the following accessory uses shall be permitted in the Conservation District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:

- a. Accessory Uses and Structures which are clearly customary and incidental to the principal use
- b. Farm Ponds
- c. Fences and Walls
- d. Keeping Animals and Pets
- e. Off-Street Parking, in accordance with Article 7
- f. Signs, in accordance with Article 6
- g. Temporary Structures or Uses

E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Conservation District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width* (feet)	Minimum Interior** Floor Area (sq. ft.)	Maximum Lot Coverage (%)	Maximum Building Height (feet)
All Uses	217,800 (5 acres)	150	-	15	35

\*Measured at the Minimum Front Yard listed for the particular use.

\*\*Not including basement area.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Conservation District, except as specifically provided for in this Ordinance:

Principal Use	Front Yard* (ft.)	Each Side Yard (feet)	Rear Yard (ft.)
All Uses	35	25	50

\*The depth at which the minimum lot width shall be measured.

306. ONE-FAMILY RESIDENCE DISTRICT (R-1).

A. Purpose. The One-Family Residence District is intended to protect existing single-family residential living environments and to provide for the continuation of relatively low density residential development.

B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-1 District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Essential Services
3. Family Day Care Home\*
4. Government Services and Facilities
5. Orchards
6. Parks
7. Places of Worship\*
8. Public Uses
9. Schools\*
10. Single-Family Cluster Developments\*\*
11. Single-Family Detached Dwellings

\*See Sections 312.A. and 312.C. for additional requirements.

\*\*See Appendix B for additional requirements.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-1 District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Accessory Apartment with Existing Dwellings
2. Animal Husbandry
3. Boarding Houses, with no more than two (2) boarders
4. Bomb or Fallout Shelters
5. Bus Shelters
6. Conversions to Residential Uses
7. Fire Stations
8. Group Day Care Home\*
9. Group Homes
10. Home Occupations
11. Public Utilities Facilities

\* See Section 312.C. for additional requirements.

D. Accessory Uses.

1. Each accessory use in the R-1 District shall comply with the minimum yard requirements contained in Section 306.F., except as specifically provided for in this Ordinance.

2. Each of the following accessory uses shall be permitted in the R-1 District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:

- a. Accessory Uses and Structures which are clearly customary and incidental to the principal use
- b. Fences and Walls
- c. Home Gardening, Nurseries or Greenhouses
- d. Keeping of Animals and Pets
- e. Noncommercial Swimming Pools
- f. Off-Street Parking, in accordance with Article 7
- g. Radio/Television Transmitters or Receivers
- h. Recreational Vehicles
- i. Satellite Dish Antennas
- j. Signs, in accordance with Article 6
- k. Solar Energy Systems
- l. Temporary Structures or Uses
- m. Tennis Courts
- n. Windmills

E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-1 District, except as specifically provided for in this Ordinance:

	Minimum Lot Area* (sq.ft.)	Minimum Lot Width* (feet)	Minimum Interior*** Floor Area (sq.ft.)	Maximum Lot Coverage (%)	Maximum Building Height (feet)
All Uses	12,000	100	1,200	25	35

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed for the particular use.

\*\*\*Not including Basement Area.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-1 District, except as specifically provided for in this Ordinance:

Use	Front Yard* (ft.)	Each Side Yard (feet)	Rear Yard (ft.)
All Principal Uses	25	15	30

Residential Accessory Uses (See Section 313.C.8.)

\*The depth at which the minimum lot width shall be measured.

307. TWO-FAMILY RESIDENCE DISTRICT (R-2).

- A. Purpose. The purpose of the Two-Family residence District is to provide for the orderly development of single-family detached dwellings and duplexes at medium densities and to exclude those uses not compatible with such development.
- B. Uses Permitted by Rights. Each of the following principal uses and their accessory uses are permitted by right in the R-2 District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Essential Services
3. Family Day Care Home\*
4. Fire Stations\*
5. Government Services and Facilities
6. Orchards
7. Parks
8. Places of Worship\*
9. Public Uses
10. Schools\*
11. Single-Family Cluster Developments\*\*
12. Single-Family Detached Dwellings
13. Two-Family Dwellings

\*See Sections 312.A. and 312.C. for additional requirements.

\*\*See Appendix B for additional requirements.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-2 District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Accessory Apartment with Existing Dwellings
2. Animal Husbandry
3. Bed and Breakfast
4. Boarding Houses, with no more than five (5) boarders.
5. Bomb or Fallout Shelters
6. Bus Shelters
7. Conversions to Residential Uses
8. Day Care Center/Nursery School
9. Funeral Homes
10. Greenhouses/Nurseries (without Retail Sales)
11. Group Day Care Home\*
12. Group Homes
13. Home Occupations
14. Medical Offices
15. Personal Service Establishments
16. Planned Residential Developments
17. Public Utility Facilities/Buildings

\*See Section 312.C. for additional requirements.

D. Accessory Uses.

1. Each accessory use in the R-2 District shall comply with the minimum yard requirements contained in Section 307.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the R-2 District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:
  - a. Accessory Uses and Structures which are clearly customary and incidental to the principal use
  - b. Fences and Walls
  - c. Home Gardening, Nurseries or Greenhouses
  - d. Keeping of Animals and Pets
  - e. Noncommercial Swimming Pools
  - f. Off-Street parking, in accordance with Article 7
  - g. Radio/Television Transmitters or Receivers
  - h. Recreational Vehicles
  - i. Satellite Antennas and Dishes
  - j. Signs, in accordance with Article 6
  - k. Solar Energy Systems
  - l. Temporary Structures or Uses
  - m. Tennis Courts
  - n. Windmills

E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-2 District, except as specifically provided for in this Ordinance:

Use	Minimum Lot Area* (sq.ft.)	Minimum Lot Width** (feet)	Minimum Interior*** Floor Area (sq.ft.)	Maximum Lot Coverage (%)	Maximum Building Height (feet)
Single-Family Detached Dwellings	10,000	100	1,000	30	35
Two-Family Dwellings	6,000	100	900	35	35
Other Uses	10,000	100	1,000	35	35

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed for the particular use.

\*\*\*Not including Basement Area.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-2 District, except as specifically provided for in this Ordinance:

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Use	Front Yard* (ft.)	Each Side Yard (feet)	Rear Yard (ft.)
All Principal Uses	25	15	30
Residential Accessory Uses (See Section 313.C.8.)			

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\*The depth at which the minimum lot width shall be measured.

308. APARTMENT RESIDENCE DISTRICT (R-3)

A. Purpose. The purpose of the Apartment Residence District, the most dense living environment in the Borough, is to provide for a wide variety of affordable housing choice. It provides for single family homes, duplexes, townhouses and other types of multi-family housing, and other compatible uses.

B. Use Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-3 District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Essential Services
3. Family Day Care Home\*
4. Fire Stations\*
5. Garden Apartments
6. Government Services and Facilities
7. Low-Rise Apartments
8. Low-Rise Multi-Family Buildings
9. Medical Offices/Clinics\*
10. Mobile/Manufactured Homes on Permanent Foundations\*
11. Orchards
12. Parks
13. Places of Worship\*
14. Planned Residential Developments\*\*
15. Professional Offices
16. Public Uses
17. Schools\*
18. Single-Family Cluster Developments\*\*\*
19. Single-Family Detached Dwellings
20. Townhouses
21. Two-Family Dwellings

\*See Sections 312.A. and 312.C. for additional requirements.

\*\*See Appendix A for additional requirements.

\*\*\*See Appendix B for additional requirements.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-3 District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Accessory Apartment with Existing Dwellings
2. Animal Hospital/Veterinarian Offices
3. Animal Husbandry
4. Bed and Breakfasts
5. Boarding Houses
6. Bomb or Fallout Shelters
7. Bus Shelters
8. Cemeteries

9. College, Educational Buildings
10. Colleges or School Dormitories
11. Commercial Outdoor Recreation
12. Conversions to residential Uses
13. Day Care Center/Nursery Schools
14. Funeral Homes
15. Golf Courses, Miniature Golf and Driving Ranges
16. Greenhouses/Nurseries (without Retail Sales)
17. Group Day Care Homes
18. Home Occupations
19. Mobile Home Parks
20. Nursing Homes
21. Personal Care Centers
22. Personal Service Establishments
23. Planned Residential Developments
24. Public Utility Facilities/Buildings
25. Trade Schools

D. Accessory Uses.

1. Each accessory use in the R-3 District shall comply with the minimum yard requirements contained in Section 308.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the R-3 District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:
  - a. Accessory Uses and Structures which are clearly customary and incidental to the principal use
  - b. Fences and Walls
  - c. Home Gardening, Nurseries or Greenhouses
  - d. Keeping of Animals and Pets
  - e. Noncommercial Swimming Pools
  - f. Off-Street Parking, in accordance with Article 7
  - g. Radio/Television Transmitters or Receivers
  - h. Recreational Vehicles
  - i. Satellite Antennas
  - j. Signs, in accordance with Article 6
  - k. Solar Energy Systems
  - l. Temporary Structures or Uses
  - m. Tennis Courts
  - n. Windmills

- E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-3 District, except as specifically provided for in this Ordinance:

Use	Minimum Lot Area* (sq.ft.)	Minimum Lot Width** (feet)	Minimum Interior*** Floor Area (sq.ft.)	Maximum Lot Coverage (%)	Maximum Building Height (feet)
Single-Family Detached Dwellings	10,000	80	1,000	30	35
Two-Family Dwellings	6,000	100	900/unit	35	35
Townhouses	6,000	100	800/unit	40	35
Other Multi-Family Buildings	6,000	100	800/unit	40	35
Other Uses	10,000	100	-	30	35

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed for the particular use.

\*\*\*Not including Basement Area.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-3 District, except as specifically provided for in this Ordinance:

Use	Front Yard* (ft.)	Each** Side Yard (feet)	Rear Yard (ft.)
All Principal Uses	25	10	25
Residential Accessory Uses (See Section 313.C.8.)			

\*The depth at which the minimum lot width shall be measured.

\*\*Measured at the end of a row.

309. NEIGHBORHOOD BUSINESS DISTRICT (B-1).

- A. Purpose. The purpose of the Neighborhood Business District is to provide convenient commercial uses, businesses, services and other appropriate uses in compatible areas of the Borough.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the B-1 District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Bank/Financial Establishments\*
3. Business Offices
4. Conference Training Centers
5. Cultural Centers\*
6. Essential Services
7. Fire Stations\*
8. Funeral Homes
9. Government Office
10. Government Services and Facilities
11. Greenhouses/Nurseries\*
12. Laundry/Laundromats\*
13. Medical Offices/Clinics\*
14. Office Equipment Sales/Services
15. Personal Service Establishments
16. Photocopying Centers
17. Places of Worship\*
18. Post Offices
19. Professional Offices
20. Restaurants, excluding fast-food restaurants with drive-in services
21. Schools, public or private\*
22. Tennis or Exercise Clubs\*
23. Townhouses

\*See Sections 312.A. and 312.C. for additional requirements.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the B-1 District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Accessory Apartments
2. Animal Hospital/Veterinarian Offices
3. Animal Husbandry
4. Civic, Social and Fraternal Associations
5. College or School Dormitories
6. College Educational Buildings
7. Convenience Stores
8. Day Care Center\*
9. Furniture Stores
10. General Merchandise Stores

11. Kennels
  12. Planned Business Parks
  13. Public Utilities Facilities
  14. Research, Engineering or Testing
  15. Retail Stores
  16. Trade Schools
- \* See Section 312.C. for additional requirements.

D. Accessory Uses.

1. Each accessory use in the B-1 District shall comply with the minimum yard requirements contained in Section 309.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the B-1 District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:
  - a. Accessory uses and structures which are clearly customary and incidental to the principal use
  - b. Cafeteria, Recreation Facilities for employees only
  - c. Fences and Walls
  - d. Off-Street Parking and Loading, in accordance with Article 7
  - e. Signs, in accordance with Article 6
  - f. Temporary Structures or Uses

E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the B-1 District, except as specifically provided for in this Ordinance:

Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width* (feet)	Minimum Interior Floor Area (sq.ft.)	Maximum Lot* Coverage (%)	Maximum Building Height (feet)
All Principal Uses	10,000	100	-	35	45

\*Measured at the Minimum Front Yard listed for the particular use.

\*\*At least ten (10%) percent of the lot shall be attractively landscaped with small trees, shrubs and/or other appropriate plant materials.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the B-1 District, except as specifically provided for in this Ordinance:

Use	Front Yard* (ft.)	Each**	
		Side Yard (feet)	Rear Yard (ft.)
All Principal Uses***	35	10	25

\*The depth at which the minimum lot width shall be measured.

\*\*Measured at the end of a row.

\*\*\*See Section 313.C.8. for residential accessory use standards.

310. COMMUNITY BUSINESS DISTRICT (B-2).

A. Purpose. The purpose of the Community Business District is to provide for a variety of general commercial and business uses where they are intended to serve an overall community in a central location. Carefully planned and designed business developments are encouraged.

B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the B-2 District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Agriculture
2. Bank/Financial Establishments\*
3. Business Offices
4. Commercial Feed Mills
5. Cultural Centers\*
6. Essential Services
7. Fire Stations\*
8. Funeral Homes
9. Government Offices
10. Government Services and Facilities
11. Greenhouses/Nurseries\*
12. Laundry/Laundromats\*
13. Medical Office/Clinics\*
14. Office Equipment Sales/Services
15. Personal Service Establishments
16. Photocopying centers
17. Places of Worship\*
18. Post Offices
19. Professional Offices
20. Restaurants, excluding fast-foot restaurants with drive-in service
21. Schools, public or private\*
22. Tennis or Exercise Clubs\*

\*See Sections 312.A. and 312.C. for additional requirements.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the B-2 District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Accessory Apartments
2. Animal Hospital/Veterinarian Offices
3. Animal Husbandry
4. Bed and Breakfasts
5. Civic, Social and Fraternal Associations
6. Conference/Training Centers
7. Convenience Stores
8. Day Care Centers/Nursery Schools\*
9. Fast Food Restaurants
10. Furniture Stores

11. General Merchandise Stores
12. Indoor Movie Theaters
13. Kennels
14. Lumber Yards or Building Supply Sales
15. Planned Developments
16. Public Utilities Facilities
17. Retail Stores
18. Rooming Houses/Boarding Houses
19. Single-Family Detached Dwellings
20. Taverns
21. Two-Family Dwellings

\* See Section 312.C. for additional requirements.

D. Accessory Uses.

1. Each accessory use in the B-2 District shall comply with the minimum yard requirements contained in Section 310.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the B-2 District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:
  - a. Accessory uses and structures which are clearly customary and incidental to the principal use
  - b. Cafeteria, Recreation Facilities for employees only
  - c. Fences and Walls
  - d. Off-Street Parking and Loading, in accordance with Article 7
  - e. Signs, in accordance with Article 6 and after Planning Commission review (See Section 602.C.)
  - f. Temporary Structures or Uses

E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the B-2 District, except as specifically provided for in this Ordinance:

Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width* (feet)	Minimum Interior Floor Area (sq.ft.)	Maximum Lot** Coverage (%)	Maximum Building Height (feet)
All Principal Uses	10,000	100	-	35	45

\*Measured at the Minimum Front Yard listed for the particular use.  
 \*\*At least ten (10%) percent of the lot shall be attractively landscaped with small trees, shrubs and/or other appropriate plant materials.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the B-2 District, except as specifically provided for in this Ordinance:

Use	Front Yard* (ft.)	Each** Side Yard (feet)	Rear Yard (ft.)
All Principal Uses***	35	10	25

\*The depth at which the minimum lot width shall be measured.

\*\*Measured at the end of a row.

\*\*\*See Section 313.C.8. for residential accessory use standards.

311. HIGHWAY BUSINESS DISTRICT (B-3).

- A. Purpose. The purpose of the Highway Business District is to provide for a variety of highway-oriented commercial and business uses, and other appropriate uses at convenient and accessible locations along PA. Route 93. Promoting well-planned and designed business development is also a purpose of this District.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the B-3 District by the Zoning Officer, provided that the use type, dimensional, and all other applicable requirements of this Ordinance are satisfied:
1. Agriculture
  2. Animal Hospital/Veterinarian Offices\*
  3. Assembly and Packaging Establishments
  4. Automobile Accessories Sales
  5. Auto, Recreation Vehicles or Boat Sales\*
  6. Bakeries
  7. Banks/Financial Establishments\*
  8. Beverage Distributors
  9. Bulk Photo Processing
  10. Cemeteries or Mausoleums\*
  11. Civic, Social or Fraternal Associations
  12. Commercial Outdoor Recreations\*
  13. Commercial Indoor Recreations\* (Bowling Alleys, Skating Rinks, etc.)
  14. Convenience Stores without Fuel Pumps
  15. Cultural Centers
  16. Day Care Centers/Nursery Schools\*
  17. Essential Services
  18. Feed and Grain Sales
  19. Fire Stations\*
  20. Funeral Homes
  21. Furniture Manufacturing
  22. Furniture Stores
  23. General Merchandise Stores
  24. Government Services and Facilities
  25. Greenhouses/Nurseries\*
  26. Hotels/Motels\*
  27. Indoor Movie Theaters
  28. Kennels\*
  29. Laundry/Laundromats
  30. Lumber Yards or Building Supply Sales\*
  31. Medical Office/Clinics\*
  32. Millwork and Other Wood Products
  33. Miniature Golf or Driving Ranges\*
  34. Mini-Warehouses/Self Storage Developments\*
  35. Office Equipment Sales/Services
  36. Open Air Retail Sales for Agricultural Products\*
  37. Personal Services
  38. Photocopying Centers
  39. Place of Worship\*
  40. Planned Developments\*, such as mini-malls
  41. Post Offices
  42. Printers or Bookbinders

43. Professional Offices
44. Public Utility Facilities/Buildings\*
45. Restaurant, including Fast Food Restaurants\*
46. Retail Nurseries/Supply Stores
47. Retail Stores
48. Schools, Public or Private\*
49. Scientific/Electronics Instruments Manufacturing
50. Swimming Pools/Clubs, including commercial and private facilities\*
51. Taverns
52. Tennis or Exercise Clubs\*
53. Textile/Garment Industries
54. Warehouses

\*See Sections 312.A. and 312.C. for additional requirements.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the B-3 District by the Zoning Hearing Board in accordance with the procedures and standards contained in Sections 312.A. and 312.B. of this Ordinance:

1. Adult Book Stores
2. Adult Motion Picture Theaters
3. Amusement Parks
4. Animal Husbandry
5. Auto Gas Station
6. Auto Repair Station/Garages
7. Auto Service Station
8. Bulk Fuel Storage/Fuel Oil Companies
9. Bus Terminals or Stations
10. Cabarets
11. Car Washes
12. Commercial Crop Storage
13. Commercial Feed Mills
14. Conference Training Centers
15. Construction Companies
16. Convenience Store with Fuel Pumps
17. Flea Markets
18. Heliports
19. Hospitals
20. Massage Parlors
21. Membership Clubs
22. Outdoor Storage or Display, without screening
23. Planned Developments
24. Planned Business Parks
25. Radio/Television Transmitters
26. Research, Engineering or Testing
27. Solid Waste Facilities
28. Taxi Terminals

- D. Accessory Uses.

1. Each accessory use in the B-3 District shall comply with the minimum yard requirements contained in Section 311.F., except as specifically provided for in this Ordinance.

2. Each of the following accessory uses shall be permitted in the B-3 District only if such use complies with the relevant standards contained in Section 313 of this Ordinance:

- a. Accessory uses and structures which are clearly customary and incidental to the principal uses
- b. Cafeteria, Recreation Facilities for employee only
- c. Fences and Walls
- d. Off-Street Parking and Loading, in accordance with Article 7
- e. Signs, in accordance with Article 6
- f. Temporary Structures or Uses

E. Lot Area, Width, Floor Area, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the B-3 District, except as specifically provided for in this Ordinance:

Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width* (feet)	Minimum Interior Floor Area (sq.ft.)	Maximum Lot** Coverage (%)	Maximum Building Height (feet)
All Principal Uses	20,000	100	-	30	45

\*Measured at the Minimum Front Yard listed for the particular use.

\*\*At least ten (10%) percent of the lot shall be attractively landscaped with small trees, shrubs and/or other appropriate plant materials.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the B-3 District, except as specifically provided for in this Ordinance:

Use	Front Yard* (ft.)	Each** Side Yard (feet)	Rear Yard (ft.)
All Principal Uses***	50****	10	50

\*The depth at which the minimum lot width shall be measured.

\*\*Measured at the end of a row.

\*\*\*See Section 313.C.8. for residential accessory use standards.

\*\*\*\*100 ft. along PA Route 93'.

312. ADDITIONAL REGULATIONS FOR PERMITTED BY RIGHT WITH ADDITIONAL REQUIREMENTS USES AND SPECIAL EXCEPTION USES.

A. Process for Uses Permitted By Right with Additional Requirements. Each use listed as permitted by right with additional requirements in the list of permitted uses for each District shall comply with the conditions listed in Section 312.C. The determination of compliance shall be made by the Zoning Officer. A Site Plan submission and review may also be required under Section 409.

B. Special Exception Use Procedures.

1. Purpose

Before a zoning permit is granted for any use listed as a special exception use in this Ordinance, a Site Plan shall be reviewed by the Planning Commission and approved by the Zoning Hearing Board. This procedure is provided because of the considerable impact that these uses tend to have on a community.

2. Procedure

- a. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained.
- b. All applicants for a special exception use shall submit three (3) sets of Site Plans for the proposed use to the Zoning Hearing Board as part of the application for a zoning permit.
- c. All Site Plans shall contain the information required in Section 409.C.
- d. The Zoning Hearing Board shall forward one (1) copy of the Site Plan to the Zoning Officer and one (1) copy to the Planning Commission within five (5) day of receiving the submission.
- e. The Zoning Officer should, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written report to the Zoning Hearing Board.
- f. The Planning Commission should, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written recommendation to the Zoning Hearing Board.
- g. The Board shall not decide the case without reviewing the reports received from the Zoning Officer and Planning Commission if the Zoning Officer or Planning Commission elect to submit same. Failure of either the Zoning Officer or the Planning Commission to submit a written report prior to the next regularly scheduled meeting shall not prevent the Board from hearing and deciding the request.

- h. The Board shall hear and decide such request for a special exception use under the procedures of Article 8 within sixty (60) days from the date an application has been properly submitted.
- i. The decision of the Board, notifying the Zoning Officer of the Board's decisions, shall be in writing and shall be communicated to the Zoning Officer and applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

### 3. Approval of Special Exception Uses

- a. The Zoning Hearing Board shall not approve any proposed special exception use if any proposed use will not meet:
  - (i) All of the general standards listed in Section 312.B.4., and
  - (ii) All of the specific standards for the proposed use listed in Section 312.C.
- b. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in the Ordinance) as it may deem necessary to implement the purposes of this Ordinance.

### 4. General Standards

Each special exception use shall comply with all of the following general standards:

- a. In conformance with the spirit, purposes, intent and all applicable requirements of this Ordinance.
- b. In conformance with all applicable provisions of all other Borough Ordinances.
- c. In accordance with the Borough's Comprehensive Policy Plan and the community development objectives of this Plan.
- d. In conformance with all applicable State and Federal laws, regulations and requirements.
- e. Suitable for the particular location in question.
- f. Not detrimental to the public health or welfare.

### 5. Specific Standards

Each special exception use shall comply with all of the specific standards listed in Section 312.C. for that use.

- C. List of Standards and Conditions for Permitted By Right with Additional Requirement Uses and Special Exception Uses. The standards and conditions listed in this section shall be satisfied for each of the following uses. These requirements should serve as a minimum for approval, in addition to all other requirements of this Ordinance. For any uses listed in this Ordinance as Special Exception Uses for which no additional regulations are stated in this Section, no additional standards are specifically required other than the general standards of Section 312.B.4. and the other provisions of this Ordinance

1. Accessory Apartments

- a. The dwelling units shall be incidental to the principal use and shall be located only in the upper floors of or to the rear of the principal building and shall be on the same lot.
- b. Each dwelling unit shall have its own sanitary sleeping and cooking facilities.
- c. Each dwelling unit shall have separate access to the outside or to a common hallway or balcony.
- d. The yard, building area, off-street parking and other applicable requirements for the district shall be met.
- e. Adequate capacity of sewer, water and other utilities shall be certified.

2. Adult Bookstore, Adult Movie Theater, Massage Parlor or Cabaret

- a. No such use shall be located within two thousand (2000') lineal feet of any school, church, existing dwelling, public park, R-1, R-2 or R-3 District.
- b. No such use shall be located within one thousand (1000') lineal feet of any existing adult bookstore, adult movie theater, massage parlor or cabaret.
- c. A twenty (20') foot buffer yard shall be provided along the side and rear lot lines in accordance with Section 404.D.
- d. No obscene material shall be placed in view of the general public. Precautions shall be made to prohibit minors from entering the premises.

3. Agricultural Industry - Using products and/or materials of which at least fifty (50%) percent are grown locally within the Township.

4. Animal Hospital

- a. A minimum lot size of at least two (2) acres shall be required for those animal hospitals treating small animals (e.g., cats, birds, exotic animals). A minimum lot size of at least three (3) acres shall be required for those animal hospitals treating large animals (e.g., cattle, horses, etc.).

- b. All buildings in which animals are housed or provided care shall be located at least one hundred (100') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- c. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4') feet in height is provided between the runs and a double evergreen screen at least six (6') feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

#### 5. Animal Husbandry

- a. No barns, animal shelters, stables, feed yards, or manure storage areas shall be located closer than four hundred (400') feet from all dwellings and property lines except the dwelling of the owner or lessee, or from all R-1, R-2 or R-3 District boundaries.
- b. No additions to existing barns, animal shelter, stables, feed yards, or manure storage areas will be located closer than one hundred fifty (150') feet from all property lines, R-1, R-2, or R-3 District boundaries, and dwellings except the dwelling of the owner or lessee.

#### 6. Auditorium

- a. A twenty (20') foot buffer yard shall separate an off-street parking area from an adjoining lot line.
- b. No lighting shall be permitted which will shine on adjacent property.
- c. Adequate parking shall be provided in accordance with the provisions of Article 7.

#### 7. Auto, Motorcycle, Boat or Recreational Vehicle Sales - No vehicle on display shall occupy any part of the street right-of-way, required yard areas, or required parking area.

#### 8. Auto Repair Garage

- a. All repair and paint work shall be performed within an enclosed building.
- b. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- c. Outdoor storage of autos and other vehicles shall not exceed three (3) times the indoor repair area, shall only be back of the front yard line, and shall be no closer than twenty (20') feet from side and rear lot lines.
- d. Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.

9. Auto Service Station

- a. All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
- b. All automobile parts and dismantled vehicles are to be located within a building.
- c. Full body paint spraying or body and fender work shall not be permitted.
- d. Automobiles that are taken to a service station for outside storage because of an accident may remain no longer than sixty (60) days from the day the car arrives at the station.

10. Bank/Financial Establishment - Any drive-in window(s) shall be located, along with attendant lane(s) for vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the financial establishment.

11. Bed and Breakfast Use

- a. No more than three (3) guest rooms shall be provided and no more than two (2) adults and two (2) children may occupy one guest room.
- b. One (1) off-street parking space shall be provided for each guest room. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjoining properties by fencing or natural vegetation.
- c. At least one (1) bathroom shall be provided for use by guests.
- d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than two (2) square feet in size constructed and placed in accordance with Article 6.
- e. No external alterations or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental Agency.
- f. The use shall be carried on by members of the immediate family, who must reside on the premises.
- g. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast only.
- h. The maximum, uninterrupted length of stay at a bed and breakfast shall be fourteen (14) days.
- i. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests of the establishment.
- j. The use may not be established until there is compliance with all Borough rules and regulations.

12. Bomb or Fallout Shelter - No additional standards.

13. Car Wash

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. Access points shall be limited to two (2) on each street abutting the lot.
- c. On-lot traffic circulation channels and parking areas shall be clearly marked.
- d. Signs and outdoor lighting shall be in accordance with this Ordinance.
- e. Adequate provisions shall be made for the proper and convenient disposal of refuse.
- f. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.

14. Cemetery

- a. Shall be on a lot at least two (2) acres in area.
- b. Consideration shall be given to compatibility with adjacent land uses, existing or proposed highways and any elements or factors deemed to affect the public health, safety and welfare of the surrounding area and a minimum setback may be required from any property line for any structure, grave or place of temporary or permanent burial and such walls, fences and/or planting of shrubbery, trees or vines may be required as may be reasonable and proper to afford adequate screening.

15. Commercial Crop Storage (Principle Use)

- a. The area used for storage shall not occupy any part of front, side or rear yards.
- b. The use shall not be dangerous to the public health or safety.
- c. The applicable outdoor storage control provisions of Section 507 shall be met.

16. Commercial Forestry

- a. A Forestry Management Plan shall be prepared and followed. This Plan shall be prepared by a professional forester, who has graduated from a college or university with a four-year degree in Forest Resources Management.
- b. This Forestry Management Plan shall be submitted and reviewed by the PA. Bureau of Forestry and the Borough Planning Commission prior to approval.
- c. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the PA. Forestry Association.
- d. Clearcutting shall be prohibited except on tracts of less than ten (10) acres.
- e. On tracts larger than ten (10) acres, at least thirty (30%) percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed.

- f. At least between thirty (30%) percent to fifty (50%) percent of these residual trees shall be composed of higher value species as determined by the District Forester.
  - g. An Erosion and Sedimentation Control Plan shall be submitted to the PA. Department of Resources and the County Soil and Water Conservation District for review and recommendation.
  - h. The Borough may require restoration of the forested area based upon recommendations of the District Forester.
  - i. All the other provisions of this Ordinance shall also be met.
17. Commercial Indoor Recreation
- a. No loudspeaker or amplifying device shall be permitted which will project excessive sound levels.
  - b. No lighting shall be permitted which will shine on adjacent property.
  - c. The Pennsylvania Department of Labor and Industry shall approve the design of the building.
18. Commercial Outdoor Recreation
- a. No loudspeaker or amplifying device shall be permitted which will project excessive noise levels.
  - b. No lighting shall be permitted which will shine on adjacent property.
19. Community/Cultural Center - No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
20. Conversions to Residential Use
- a. The lot area shall not be reduced to less than the amount stated for the District in which the structure is located.
  - b. The yard, building area, off-street parking and other applicable requirements for the District shall not be reduced.
  - c. Adequate capacity of sewer, water and other utilities shall be available and shall be certified.
  - d. The resulting residential use shall be a permitted use in the District.
21. Day Care Center/Nursery School
- a. The use shall comply with all regulations of the Pennsylvania Department of Public Welfare established for such use, as well as with any other applicable State/Federal regulations.
  - b. A zoning permit shall be required.
  - c. An off-street area shall be provided for the dropping off and picking up of children.

- d. Any need for parking generated by the conduct of this use shall be met off-street and according to the requirements of Table 7.1 of this Ordinance.
- e. A safety study by the Conyngham Police Department shall be required.
- f. All requirements for building set-backs and building heights established for the district in which the use is located shall be met.
- g. No outdoor play area shall be closer than forty (40) feet to any lot line.

22. Drive-In (Outdoor) Theater

- a. Shall be on a lot abutting an arterial street or collector street (as defined on the Official Street Classification Map).
- b. Shall have a lot area of at least ten (10) acres.
- c. A buffer yard which complies with the standards of Section 404.D. shall be provided around the entire lot.
- d. Shall provide a driveway at least three hundred (300') feet in length between the point where admission tickets are sold and the street right-of-way lines.

23. Family Day Care Home

- a. The use shall comply with all regulations of the Pennsylvania Department of Public Welfare established for such use, as well as with any other applicable state/federal regulations.
- b. A zoning permit shall be required.

24. Fast Food Restaurant with Drive-In Service

- a. Shall screen all trash containers.
- b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
- c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.
- d. Shall provide a visual planting screen, in accordance with Section 404.D.3., when adjacent to residential properties.

25. Fire Station - Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.

26. Fuel Oil Company - Shall be in accordance with applicable Federal, State and local fire protection standards.

- a. Fuel pumps - wherever fuel pumps are permitted as principal or accessory uses, they shall be located no closer than thirty (30') feet from any existing or future street right-of-way or fifty (50') feet from the street centerline, whichever is greater.

27. Golf Course

- a. No fairway, green or other use area shall be located closer than fifty (50') feet to a rear or side property line.
- b. No building shall be less than one hundred (100') feet from any lot line.
- c. Buffer yards shall be provided in accordance with Section 404.D., when adjacent to residential and commercial buildings.

28. Greenhouse/Nursery - Off-street parking shall be provided and designed to prohibit vehicles from backing out onto a street or highway.

29. Group Day Care Home

- a. The use shall comply with all regulations of the Pennsylvania Department of Public Welfare established for such use, as well as with any other applicable State/Federal regulations.
- b. A zoning permit shall be required.
- c. A safe area shall be provided for dropping off and picking up children, which does not obstruct the free flow of traffic on any public street.
- d. One (1) off-street parking space shall be provided for each employee not residing in the facility.
- e. A safety study by the Conyngham Borough Police Department may be required.

30. Group Home

- a. There shall be no more than six (6) residents.
- b. Residents in the group home shall include only the elderly, mentally retarded or physically disabled and shall exclude such groups as the mentally ill, criminal offenders or ex-convicts, juvenile offenders, rehabilitated drug users, alcoholics or other such groups which tend to be more transient in nature and therefore not compatible with stable residential areas.
- c. There shall be 24-hour resident supervisions by people qualified by training and experience in the field for which the group home is intended.
- d. The use shall be licensed under the applicable State program.
- e. Any medical or counselling services provided shall be done so only for residents.

- f. The lot on which a Group Home is located shall be a least two thousand (2000') feet from the lot on which another Group Home is located; (such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot).
- g. One (1) off-street parking space shall be provided for a) the resident supervisor, b) each additional employee per shift, and c) every two (2) residents.
- h. If the group home is an existing or new structure, located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is similar in appearance, condition and character to the other residential structures in the area.
- i. The group home shall register, on an annual basis, its location, number of residents and sponsoring agency with the Borough and such information shall be available to the public.
- j. The amount of traffic generated by the group home shall be comparable to that of a single family home.

### 31. Home Occupation

- a. The home occupation shall be conducted entirely within the dwelling and shall be carried on by the inhabitants residing therein, except that no more than one employee may be employed at any one time to assist in the occupation.
- b. The home occupation shall not exceed twenty (20%) percent of the floor area of the principal dwelling unit.
- c. There shall be no outside storage of materials and no exterior evidence of the home occupation shall be visible, other than the permitted sign.
- d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for one sign no larger than two (2) square feet in size.
- e. No more than one (1) employee may work on the premises at the same time who are not residents of the principal dwelling unit.
- f. No servicing by truck in excess of three (3) times per week shall be permitted.
- g. Uses permitted as a home occupation include: art studio, barber shop, beauty shop, profession office, and instruction of no more than four (4) pupils simultaneously (or in the case of musical instruction, not more than three (3) pupils simultaneously).
- h. The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store or restaurant.
- i. No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.

32. Hospital

- a. Shall have a minimum lot size of ten (10) acres.
- b. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
- c. More than one (1) access road of at least twenty (20') feet in width shall be provided from such arterial or collector street.
- d. More than one (1) fire exit shall be provided.
- e. All facilities shall be located on the ground floor, unless an elevator sufficient to accommodate rolling beds or litters provides access to other than ground floor levels.

33. Hotel/Motel

- a. A restaurant may be permitted as an accessory use to a hotel or motel.
- b. No hotel or motel shall have a lot area of less than two (2) acres, nor a lot area per sleeping unit of less than 2,000 square feet.
- c. Hotels and motels shall utilize public sewers connected with a sewage disposal system approved by the Pennsylvania Department of Environmental Resources.

34. Kennel

- a. All buildings in which animals are housed and all runs shall be located at least one hundred (100') feet from all lot lines.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- c. Outdoor runs may be provided so long as a double evergreen screen at least six (6') feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

35. Lumber Yard - Shall be on a lot abutting an arterial or collector street (as defined by the Official Street Classification Map).

36. Mini-Warehouse/Self Storage Development

- a. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.
- b. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items must be licensed and inspected (if applicable), and in operable condition.

- c. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored.
- d. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
- e. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
- f. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.
- g. A planting screen shall be provided in accordance with Section 404.D.3. where adjacent residential uses and R-1, R-2 and R-3 exist.

37. Mobile Home Park

- a. Shall have a minimum tract size of fifty (50) acres and a maximum overall density of no more than four (4) mobile homes per acre.
- b. Shall have centralized sewer and water.
- c. Shall have a twenty (20') foot buffer yard around the perimeter of the site, in accordance with Section 404.D.
- d. Shall have mobile/manufactured homes which comply with the provisions of Section 312.C.38. below.
- e. All applicable provisions of the Borough Subdivision and Land Development Ordinance shall be complied with.

38. Mobile/Manufactured Home

- a. Shall be constructed in accordance with the Safety and construction Standards of the U. S. Department of Housing and Urban Development.
- b. Shall have a site graded to provide a level, stable and well-drained area.
- c. Shall have wheels, axles and hitch mechanisms removed.
- d. Shall be placed on a permanent foundation as described by the following:
  - (1) The foundation system shall consist of ten (10") inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on eight (8') feet centers along each of the two main longitudinal frames for each section of the home with no more than three (3') feet overhang at each end of the section.

- (2) One half (1/2") inch diameter by twelve (12") inch long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
- (3) The mobile/manufactured home shall be securely anchored or tied down with cable and thin buckles or equivalent connecting the frame to the cast in place eyebolts on at least four (4) corners and two midpoints. The tiedown shall also be in accordance with the manufacturers recommendations furnished with each home.
- (4) Homes shall not be placed more than two (2') feet above the supporting ground area.

- e. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home.
- f. Shall have a minimum floor area of 1200 square feet.

#### 39. Open Air Retail Sales of Agricultural Products

- a. The building or area where products are displayed or sold shall be at least fifty (50') feet from an intersection and shall be at least twenty (20') feet from the cartway.
- b. Parking shall be provided in compliance with the provisions of Article 7.

#### 40. Picnic Grove

- a. No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
- b. No lighting shall be permitted which will shine on adjacent property.

#### 41. Place of Worship - Shall be on a lot at least two (2) acres in area.

#### 42. Planned Commercial Development

- a. Shall contain at least two (2) individual uses permitted in the District and meet the definition of "Planned Development" as defined in Article 2 of this Ordinance.
- b. Shall provide off-street parking and loading space in accordance with the standards set forth in Article 7.
- c. Shall be totally planned to function as a single development unit.
- d. Shall be in accordance with the performance standards of this Ordinance and in accordance with all development standards of the Borough Subdivision and Land Development Ordinance.

43. Planned Industrial/Business Park

- a. Shall contain a minimum of ten (10) acres.
- b. Shall be totally planned to function as a single development unit.
- c. Shall be in accordance with the performance standards of this ordinance and in accordance with all development standards of the Borough Subdivision and Land Development Ordinance.
- d. Shall contain at least two (2) individual uses permitted in the District and meet the definition of "Planned Development" as defined in Article 2 of this Ordinance.
- e. Shall provide off-street parking and loading space in accordance with the standards set forth in Article 7.

44. Planned Residential Development

- a. Shall be totally planned to function as a single development unit.
- b. Shall be in accordance with the performance standards of this Ordinance and in accordance with all development standards of the Borough Subdivision and Land Development Ordinance.
- c. Shall comply with the provisions of Appendix A of this Ordinance.

45. Public or Private Heliport

- a. The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing for a private airstrip, private airport or heliport.
- b. The Federal Aviation Administration shall have granted approval for the use of the air space.
- c. The use shall comply with any other applicable Federal and State regulations and requirements.
- d. Areas used for landings, take-offs and ground circulation shall be located at least three hundred (300') feet away from adjacent property lines.

46. Radio/Television Transmitter

- a. An eight (8') foot fence shall be provided around all appurtenant structures.
- b. Any antenna or tower shall be setback a distance equivalent to the height of the antenna or tower from all property lines and street right-of-way lines.

47. Riding Stable

- a. The use shall be conducted on a lot no smaller than ten (10) acres in size.

- b. No new barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than five hundred (500') feet from all dwellings except the dwelling of the owner or lessee, or from all R-1, R-2, or R-3 District boundaries.
- c. No additions to existing barns, animal shelters, stables, feed yards or manure storage areas will be located closer than one hundred fifty (150') feet from all property lines, R-1, R-2 or R-3 District boundaries and dwellings except the dwelling of the owner or lessee.

48. Solid Waste Processing Area

- a. All solid waste shall be at least two hundred (200') feet from any adjoining lot.
- b. All solid waste shall be at least two hundred (200') feet from any public highway, road or street.
- c. The site shall contain one (1) entrance and one (1) exit, each of which is not less than thirty (30') feet in width.
- d. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the D.E.R.
- e. The site shall be selected and designed by a registered professional engineer with proven experience in solid waste disposal planning operation. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations.

49. Swimming Club/Commercial Pools

- a. All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent fence of not less than six (6') feet in height.
- b. No loudspeaker or amplifying device shall be permitted which will project excessive sound levels.
- c. Lighting perceptible beyond the property line shall be minimized.
- d. An occupancy permit shall be required upon completion and prior to the use of any pool requiring a permit.

50. Tennis Club

- a. No loudspeaker or amplifying device shall be permitted which will project excessive sound levels.
- b. Lighting perceptible beyond the property line shall be minimized.

51. Wholesale and Warehousing

- a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, whole or distribution activity to be conducted.
- b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
- c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall be permitted.

52. Wildlife Sanctuary

- a. The use shall be conducted on a lot at least five (5) acres in size.
- b. No animal which is dangerous or capable of causing harm to persons or damage to property shall be permitted to roam free.
- c. Every barn, animal shelter, stable, cage, feed yard, or manure storage area shall be at least one hundred fifty (150') feet from all lot lines, residential district boundaries and dwellings except the dwelling of the owner or lessee.

313. ACCESSORY USES.

- A. In General. An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.
- B. Yard Requirements. Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.
- C. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
  1. Commercial or Industrial Outdoor Storage and Display
    - a. Location. Shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required parking area, or part of the required front yard.
    - b. Size. Shall occupy an area less than one-half the existing building coverage. A Special Exception may be authorized by the Zoning Hearing Board for no more than twenty-five (25%) percent of the lot area to be used for outdoor storage or display.
  2. Farm Pond
    - a. The developer of any farm pond shall obtain all required State and Federal permits.
    - b. No farm pond shall be of such a size or character as to create any dangerous, noxious, or objectionable condition.
  3. Home Gardening, Nurseries, and Greenhouses - No outdoor storage of equipment shall be permitted.
  4. Home Occupation
    - a. The home occupation shall not be conducted on the premises outside of a building.
    - b. The home occupation shall not exceed twenty (20%) percent of the floor area of the principal dwelling unit.
    - c. There shall be no outside storage of materials and no exterior evidence of the home occupation shall be visible, other than the permitted sign.
    - d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for one sign no larger than two (2) square feet in size.
    - e. No more than one (1) employee may work on the premises at the same time who are not residents of the principal dwelling unit.
    - f. No servicing by truck in excess of three (3) times per week shall be permitted.

- g. Uses permitted as a home occupation include: art studio, barber shop, beauty shop, professional office, and instruction of not more than four (4) pupils simultaneously (or in the case of musical instruction, not more than three (3) pupils simultaneously).
  - h. The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store, or restaurant.
  - i. No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.
5. Keeping of Animals and Pets. NOTE: This section applies only to Accessory Uses. It does not apply to Principal Uses such as animal husbandry or other agricultural uses.
- a. Number. No more than four (4) customary household pets or domestic animals (e.g., dogs, cats, canaries, etc.) may be kept. Six (6) or more adult dogs or cats shall constitute a kennel.
  - b. Commercial Use. Commercial breeding or use of these pets shall not be permitted as an accessory use.
  - c. Large Animals and Fowl. Large animals (such as cattle, horses, goats and pigs) and fowl (such as chickens and turkeys) shall be stabled or housed in buildings at least one hundred (100') feet from any lot line. Large grazing animals may be kept only on lots 1-1/2 acres per animal.
6. Noncommercial Swimming Pool - A noncommercial swimming pool designed to contain a water depth of thirty (30") inches or more shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:
- a. Permit. A Zoning Permit shall be required to locate, construct or maintain a noncommercial swimming pool.
  - b. Location. Such pool shall be located in a rear or side yard only. No above or in-ground pool shall be located within fifteen (15') feet of a side or rear lot line or under any electrical lines, or over any on-lot sewage disposal field or system.
  - c. Fence. Every in-ground noncommercial swimming pool shall be entirely enclosed with a child proof fence of not less than four (4') feet in height equipped with a self-closing gate or platform.
  - d. An occupancy permit shall be required upon completion or prior to the use of the pool.
7. Public Utilities Facilities
- a. Any use shall be in compliance with all requirements of the Pennsylvania Public Utilities Commission and any other applicable State and Federal agencies.

- b. Any use proposed shall be in conformity with the provision of the Pennsylvania Municipalities Planning Code, Section 619.
  - c. The physical appearance of any such facility shall, as much as possible considering the use, conform to the existing aesthetics of the area in which it is being located.
8. Recreational Vehicle - No recreational vehicle or unit shall be stored for a period of three (3) consecutive months within a front yard or within ten (10') feet of a side yard or a rear yard line.
9. Residential Accessory Building, Structure or Use
- a. Fences and Walls.
    - (i) Fences and walls in the required side and rear yard areas shall not exceed six (6') feet in height (except tennis courts which shall not exceed ten (10') feet in height) and retaining walls, and may be allowed on the property line. Any fence shall be installed with the finished side facing away from the property on which it is installed.
    - (ii) Fences or walls placed in the required front yard shall not exceed thirty-six (36") inches in height and shall be no closer than one (1') foot to the street right-of-way and in no case closer than five (5') feet to the paved surface. Any fence shall be installed with the finished side facing away from the property on which it is installed.
  - b. Accessory Building and Other Structures (other than Fences and Walls)
    - (i) Attached Accessory Structures. Accessory structures which are attached to the principal building shall comply with all the yard requirements for a principal structure.
    - (ii) Unattached Accessory Structures may be erected within a rear yard, provided they conform with the following:
      - (a) Maximum height - one (1) story or eighteen (18') feet.
      - (b) An accessory building shall not be less than five (5') feet from the side lot line.
      - (c) Side yard (corner lot) - same as for a principal structure.
      - (d) An accessory structure shall be not less than 7.5 feet from the rear lot line, except when the structure abuts an alley, in which case ten (10') feet shall be required.
      - (e) An accessory structure shall be located not less than ten (10') feet from a principal structure.

(f) Not more than two (2) accessory buildings, including a private detached garage, shall be located in any District, on one (1) lot.

(iii) No vehicle, cargo trailer, truck body, or other such object shall be used for the shelter, housing or enclosure of persons, animals, goods, or property except as provided in this Ordinance.

c. Decks, Patios, Terraces and open porches may be located in side and rear yards, not closer than five (5') feet to any adjacent property line.

#### 10. Satellite Dish Antennas

a. Satellite dish antennas shall be a permitted by right accessory use in all Districts for all uses subject to the following restrictions.

b. Location.

(i) In an R-1, R-2 or R-3 District, no satellite antenna shall be located between a residential use and the front lot line, nor on a corner lot between a residential use and any publicly-owned street (other than an alley).

(ii) In all Districts, a satellite antenna shall comply with the setback requirements of an accessory use.

(iii) No satellite antenna shall be placed on the roof of a structure in an R-1, R-2 or R-3 District, but may be roof-mounted in any other District.

c. Size.

(i) A satellite dish antenna shall have a maximum diameter of ten (10') feet in an R-1, R-2 or R-3 District and twelve (12') feet in any other District.

(ii) A satellite dish antenna shall have a maximum possible height of ten (10') feet above the average ground level in an R-1, R-2 or R-3 District and a maximum height of fifteen (15') feet in height if ground-mounted in any other District. A roof-mounted satellite dish antenna shall only be permitted if approved by the Zoning Hearing Board after consideration of the impact on the adjacent properties.

(iii) In any District other than R-1, R-2 and R-3, a satellite dish antenna shall have a maximum height if ground-mounted of fifteen (15') feet above the average ground level or twelve (12') feet above the highest point of a roof if roof-mounted.

- d. Screening. Any satellite dish that is ground-mounted shall be screened by appropriate evergreen plantings on approximately two hundred and fifty (250o) degrees of the three hundred sixty (360o) degrees horizontally surrounding the satellite antenna. Such evergreens shall be equal in height to two-thirds of the total height of the satellite dish antenna and base. The antenna shall be screened from view from a public road, if reasonable.
  - e. Colors. Earth tones are strongly encouraged.
  - f. Large Lot Exemption. If a satellite dish antenna is to be located a minimum of two hundred (200') feet from any exterior lot line, the requirements of this section shall not be binding, other than the total height requirements.
  - g. Mobile Stands. Satellite dish antenna on mobile stands are prohibited except as may be initially needed to determine the best location for an antenna.
  - h. Transmission. Except for private use, no satellite dish antenna provided for under this section shall be used for the transmission of electronic signals.
  - i. Wind Resistance. Any satellite antenna shall be properly secured so that it will be resistant to high winds.
11. Seasonal Roadside Stand - Roadside stands for the sale of dairy, farm, greenhouse, or nursery products are permitted with the following restrictions:
- a. Size. The area where products are displayed or sold shall not exceed eight hundred (800) square feet.
  - b. Location. The stand shall be at least fifty (50') feet from an intersection, and shall be at least thirty (30') feet from the cartway.
  - c. Removal in Off-Season. The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale.
  - d. Parking. Parking for vehicles shall be provided off the existing and future street right-of-way and in compliance with the provisions of Article 7.
12. Solar Energy System - No solar energy system shall deny solar access of adjacent lots.
13. Temporary Structure or Use - A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:
- a. Duration. The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.
  - b. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough.

14. Tennis Court

- a. A tennis court shall not be located in front of the principal building and shall not be located within any required yard areas.
- b. No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.

15. Windmill

- a. All windmills shall be enclosed by a fence at least four (4') feet in height which is located at least five (5') feet from the base of such windmill
- b. No windmill shall be permitted the design of which permits any vane, sail, or rotor blade to pass within ten (10') feet of the ground.
- c. All electrical wiring leading from a windmill shall be located underground.

ARTICLE 4

GENERAL REGULATIONS

401. LIMIT OF ONE PRINCIPAL USE.

No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance.

402. PRINCIPAL BUILDINGS.

A. Street Frontage Required. Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet Borough standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance, excepting however, those principal buildings specifically approved by Borough Council.

B. Two or More on a Lot. Except for agricultural buildings, two (2) or more principal buildings on a lot shall:

1. be separated by at least twice the required side yard in that District and
2. conform to the standards and improvements required for a land development by the Subdivision and Land Development Ordinance.

403. MAXIMUM HEIGHT OF BUILDINGS.

No building shall exceed the maximum building height standard specified in the relevant district regulations of this Ordinance, except that such standard shall not apply to farm structures, silos, water towers, church spires, belfries, solar energy collectors (and equipment used for the mounting or operation of such collectors), windmills, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, these structures shall not diminish the solar access of other properties.

404. SPECIAL LOT AND YARD REQUIREMENTS.

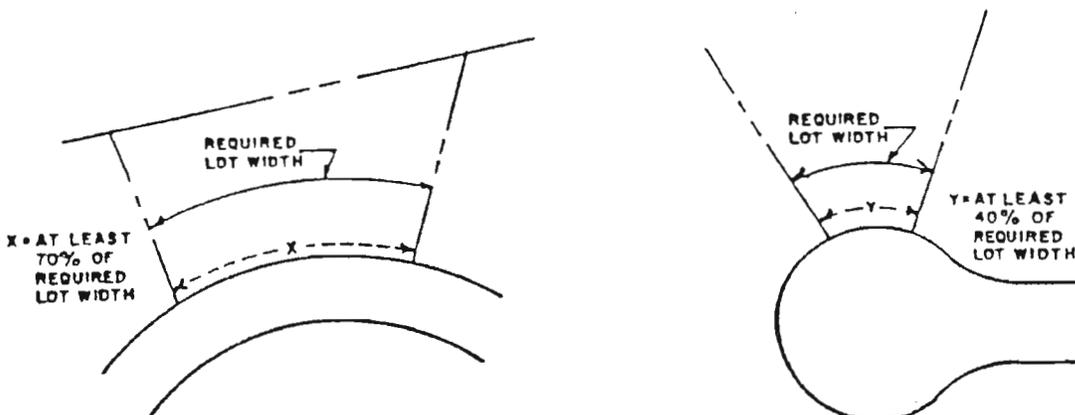
A. In General.

1. The lot, yard parking and other requirements for any new building or use shall not include any part of a lot, yard or parking area that is required by any other building or use to comply with the requirements of this Ordinance. However, a common parking lot for joint uses shall be permitted in accordance with provisions of Section 702.F.

2. No required lot area or yard shall include any property (the ownership of which has been transferred subsequent to the effective date of this Ordinance), if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

B. Exceptions to Minimum Lot Areas, Lot Widths, and Yards.

1. Nonconforming Lots. See Section 407.
2. Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70%) percent of the minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than three hundred (300') feet radius where the lot frontage measured at the street right-of-way line shall not be less than forty (40%) percent of the minimum lot width.



3. Through Lots. Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots.
4. Corner Lots. Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots.
5. Fences, Walls, Accessory Buildings and Structures, Patios, Terraces and Open Porches. (See Sections 313.B. and 313.C.8.)

6. Architectural Projections. Chimneys, leaders, cornices, eaves, gutters and bay windows, and the like, may extend not more than twenty-four (24") inches into any required yard, except that fully cantilevered projections no less than seven (7') feet in height are permitted in commercial districts to within five (5') feet of the property line.

C. Traffic Visibility Across Corners.

1. Sightlines at Intersections of Streets.

- a. An area conforming to the table in Section 404.C.1.c. shall be graded and shall be free of sight obstructions so that vision between a height of from three to ten (3' to 10') feet above the centerline grades of the intersecting streets is not obscured.
- b. Vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from three to ten (3' to 10') feet above the centerline grades of the intersecting streets according to the table in Section 404.C.1.c.
- c. Minimum sight distance at intersecting streets shall conform to the following:

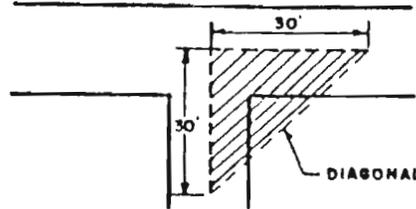
Speed Limit (mph)	Safe Sight Distance Left	Safe Sight Distance Right
25	250 feet	195 feet
35	440 feet	350 feet

NOTE: All distances measured from a vehicle ten feet back of the pavement edge.

2. Sightlines at Intersections of Driveways or Accessways with Streets.

- a. A triangular area as defined in Section 404.C.2.c. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten (2'-10') feet above the centerline grades of the intersecting driveway, accessway, or streets is not obscured.
- b. Vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten (2'-10') feet above the centerline grades of the intersecting driveway, accessway, or streets within the triangular area defined in Section 404.C.2.c.

- c. Such triangular area shall be bounded by the intersecting driveway, accessway, or street centerlines and a diagonal connecting two points, one which is at each end of the centerline of each driveway, accessway, or street thirty (30') feet from the intersection of such centerlines.



- D. Buffer Yards. Any nonresidential use, excluding agricultural and open space uses except as otherwise required, which borders any R-1, R-2 or R-3 Residence District shall provide buffer yards which comply with the standards of this section. These buffer yards are also required in the R-3 District, when proposed multi-family dwellings will be located adjacent to existing single family detached dwellings in the R-1 District.

1. Size, Location.

- a. A twenty (20') foot buffer yard shall be required, unless otherwise indicated in this Ordinance.
- b. The buffer yard shall be measured from the district boundary line or from the street right-of-way line where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.
- c. The buffer yard may be contiguous with a required front, side, or rear yard, provided the larger yard requirement shall apply in case of conflict.

2. Characteristics.

- a. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- b. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than twelve (12") inches in height, or weeds.

3. Planting Screen.

- a. Each buffer yard shall include a planting screen of trees, shrubs, and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.

- b. Each planting screen shall be in accordance with the following requirements:
  - (i) Plant materials used in the planting screen shall be of such species and size as will produce, within two (2) years, a complete year-round visual screen of at least eight (8') feet in height.
  - (ii) The planting screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one (1) year.
  - (iii) The planting screen shall be so placed that at maturity it will be at least three (3') feet from any street or property line.
  - (iv) The planting screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 404.C.
- c. In circumstances where it is impractical for a planting screen to meet all the requirements of the section or would create an undue hardship, the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

4. Plans.

- a. Prior to the issuance of any Zoning Permit, the applicant shall submit plans showing:
  - (i) the location and arrangement of each buffer yard,
  - (ii) the placement, species, and size of all plant materials, and
  - (iii) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. Such plan shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.

405. ESTABLISHMENT OF FUTURE RIGHT-OF-WAY FOR ROADS.

- A. Purpose. Minimum future right-of-way widths are established for roads where the existing right-of-way is less than that indicated in Section 405.C. for the particular class of road.
- B. Measurement.
  - 1. The future right-of-way shall be measured from the centerline of the existing road.
  - 2. All front yards and other appropriate yards shall be measured from the future right-of-way line.
  - 3. The specific classification of each road is shown on the Boroughs Official Street Classification Map.

C. Minimum Widths. Minimum Future Rights-of-Way are as follows:

<u>Street Classification</u>	<u>Minimum Future Right-of-Way</u>
Arterial Highway	As determined by PennDOT
Collector Street	52'
Local Street	46'
Alley	20'

406. FRONTAGE DEVELOPMENT ALONG ARTERIAL AND COLLECTOR STREETS.

In order to encourage the sound development of frontage along arterial and collector streets (as defined on the Borough's Official Street Classification Map) and to minimize traffic congestion and hazard, the following special provisions shall apply:

- A. Off-Street Parking and Loading. All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, planting strip, wall, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area. Parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot.
- B. Access. Each use with less than one hundred (100') feet of frontage on an arterial or collector street shall have not more than one (1) accessway to each such street, and no business or other use with one hundred (100') feet or more of frontage on an arterial or collector street shall have more than two (2) accessways to any one street for each three hundred (300') feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.
- C. Planned Developments. In the case of a planned development, shopping center, office complex, group of multiple family dwellings, or similar grouping of principal buildings on a lot, and in any other case where practicable:
  1. Each principal building shall front upon a marginal access street, service road, common parking lot, or similar area and not directly upon a public street.

2. Each point of vehicular access to and from a public street shall be located at least two hundred (200') feet from the intersection of any public street right-of-way lines, provided that such point of vehicular access which converts a "T" intersection into an intersection of two streets which cross one another shall be permitted.
  3. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Borough.
  4. All streets and accessways shall conform to the specifications determined by the Borough Engineer and the requirements of the Borough Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where deemed necessary by the Borough Engineer.
  5. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Borough.
- D. Reverse Frontage Encouraged. Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged and reverse frontage shall be encouraged.

407. NONCONFORMITIES.

- A. Registration of Nonconforming Uses and Structures. Upon adoption of this Ordinance, the Borough Zoning Officer shall identify and register nonconforming uses and structures.
- B. Continuation. Any nonconforming use, structure, or lot may be continued, maintained, improved, and repaired, provided it conforms to the remainder of this section.
- C. Alteration or Extension.
  1. Nonconforming Structure.
    - a. A nonconforming structure may be altered, reconstructed, or enlarged provided that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure.
    - b. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Section 407.C.3.

2. Nonconforming Lot.

- a. Nonresidential Lots. A building may be constructed on a nonconforming, nonresidential lot provided the yard and lot coverage requirements of this ordinance are met and all DER requirements are met.
- b. Residential Lots. A building may be constructed on a nonconforming, residential lot provided the minimum yard and maximum lot coverage requirements listed for the particular district are complied with.
- c. Exceptions. When a lot of record existing at the effective date of this Ordinance cannot meet the yard and maximum lot coverage requirement of the particular district, a variance may be requested for review by the Zoning Hearing Board. Where two (2) adjacent lots of record with less than the required area and width are held by one (1) owner, the request for a zoning permit shall be referred to the Zoning Hearing Board, which may require that the two (2) lots be combined and used for one (1) principal building. Where three (3) or more adjacent lots of record with less than the required area and width are held by one (1) owner, the Zoning Hearing Board may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance. When making these decisions relating to this section, the Zoning Hearing Board shall consider among other factors the existing character of the area (build-up or undeveloped).

3. Nonconforming Use. Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

- a. Such alteration, reconstruction, extension or enlargement shall be permitted only by a special exception use from Zoning Hearing Board.
- b. No alteration, reconstruction, extension, or enlargement shall result in an increase in total floor area of the nonconforming use by more than 25% of the floor area that existed at the time the use became nonconforming and only the same lot as it existed.
- c. In computing the area occupied by any nonconforming use only the portion of the ground area, if any, of any lot upon which the nonconforming use exists shall be considered. The computations for volume and area, both in establishing the extent of the nonconformity, and in determining the limits of its expansion shall be separate.

D. Restoration. A nonconforming building or any building containing a nonconforming use destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be completed within one (1) year of the date commenced. An application must be made for a building permit to rebuild; the fee shall be waived.

E. Ownership. Whenever a nonconforming use, structure, or lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner, provided that the new owner shall re-register the nonconforming use with the Zoning Officer within sixty (60) days after final settlement.

F. Abandonment.

1. If a nonconforming use of a building or land is discontinued, razed, removed, or abandoned for 365 consecutive days, subsequent use of such building or land shall conform with the regulations of the district in which it is located.

2. The act of abandonment and the intent to abandon shall be presumed to commence on the date when customary efforts to continue the use (operation, lease, sale, etc.) cease.

G. Changes.

1. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

2. A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board after the following conditions are met:

a. The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.

b. The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:

(i) Traffic generation and congestion (including truck, passenger car, bicycle and pedestrian traffic),

(ii) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration,

(iii) Storage and waste disposal, and

(iv) Appearance.

H. District Changes. When boundaries of a district are changed so as to transfer an area from one district to another district, any resulting nonconforming use shall be subject to the provisions of Section 407.G.

408. TEMPORARY STRUCTURE OR USE. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

- A. The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.
- B. Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough.

409. SITE PLAN REVIEW.

A. Scope. Before a zoning permit is issued for any use designated in Article 3 as requiring site plan review, the procedures of this Section shall be followed in order to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance. Refer to Section 312.A. and 312.B.

B. Procedure.

- 1.
  - a. When the applicant applies to the Zoning Officer for a zoning permit, the applicant shall submit three (3) complete sets of site plans.
  - b. No zoning permit shall be granted until after the Planning Commission submits its recommendations to the Zoning Officer or after forty-five (45) days of the date the site plans were submitted.
  - c. Site plan approval shall not relieve the applicant from any other provisions of this Ordinance nor constitute a recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.
- 2. The Zoning Officer shall forward two (2) copies of the site plan to the Planning Commission within seven (7) days of the date of official plan submission. The Zoning Officer shall retain one (1) copy of the site plan for review.
- 3.
  - a. The Planning Commission shall make a written recommendation to the Zoning Officer within forty-five (45) days of the date the plan was submitted on whether the site plan indicates that a zoning permit should be granted or denied.
  - b. The written recommendation shall include the underlying findings and reasons affecting the recommendations.

- c. Failure to make a written recommendation within such forty-five (45) days shall be considered a recommendation to issue such zoning permit.
  4.
    - a. The Zoning Officer shall review the site plan and the Planning Commission's recommendations and issue or deny the zoning permit within sixty (60) days after the site plan was officially submitted.
    - b. The decision of the Zoning Officer shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the day following the decision.
    - c. The decision shall indicate the specific provisions of this Ordinance and other laws which have not been met and the specific reasons therefor.
- C. Site Plan Requirements. The following information shall be included on the site plan.
  1. A statement describing the proposed use.
  2. A site layout drawn to a scale of not less than one inch (1") equals fifty (50') feet showing the location, dimensions, and area of each lot, the location, dimensions and height of proposed buildings, structures, streets, and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  3. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening.
  4. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
  5. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
  6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
  7. Provisions to be made for treatment and disposal of sewage and industrial wastes and for an adequate water supply.
  8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.

9. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
  10. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
  11. Site contours at a minimum of six (6') foot intervals, preferably at two (2') foot intervals.
  12. All proposed site grading and drainage provisions and proposals.
  13. A key map showing the entire project and its relation to surrounding properties and existing building thereon.
  14. Zoning districts and requirements.
  15. Soils, slopes, and floodplain delineations (if required by Zoning Officer).
  16. Certification by the person who prepared this site plan.
  17. Certification of ownership and acknowledgment of plan signed by owner or developer.
- D. Site Design Guidelines. The following guidelines are divided into eight (8) categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Zoning Officer in their reviews of all site plans. These guidelines are meant to encourage creativity, innovation, and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.
1. Relation of Proposed Buildings to the Surrounding Environment. Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.

2. Drive, Parking, and Circulation. For vehicular and pedestrian circulation (including walkways, interior designs, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
3. Surface Water Drainage. Give special attention to proper site surface drainage to insure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies, and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
4. Utility Service. Place electric and telephone lines underground, where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
5. Advertising Features. Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
6. Special Features. Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machine installation, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
7. Preservation of Landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.
8. Solar Energy Use. Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

410. FIRE SAFETY.

- A. Intent. This section recognizes that the Borough as of the date of this Ordinance does not have in place a building code. This section therefore seeks to ensure an essential level of public safety for residents or employees of any building.
- B. Fire Chief Review. The Zoning Officer may require that an applicant for any apartment, townhouse, commercial or industrial use provide such information as is reasonable for the Borough Fire Chief or other Borough representative to review the proposed use for fire safety.
- C. Fire Wall Requirement. Any dwelling unit that is attached to any other dwelling unit shall include appropriate fire walls between each dwelling unit. Fire walls shall meet appropriate standards as determined by the Borough. Borough Council reserves the right to review, approve or disapprove the fire wall design and construction. All required fire walls shall be placed from the basement floor to the underside of the roof.
- D. Additional Requirements. Borough Council may place such additional requirements on any use as is reasonable and necessary to protect the public from explosives or fire hazards.

ARTICLE 5

ENVIRONMENTAL PROTECTION

501. ENVIRONMENTAL PRESERVATION REQUIRED.
- A. All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
  - B. All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.
502. NUISANCES. Nuisances are prohibited pursuant to the Borough's Nuisance Ordinance.
503. STEEP SLOPES. Development on slopes in excess of fifteen (15%) present shall be treated as a special exception use before the Zoning Hearing Board and shall require site plan review by the Planning Commission and the Borough Engineer.
504. DEVELOPMENT ALONG STREAMS.
- A. The Zoning Map defines major streams and minor streams in the Borough.
  - B. All areas within one hundred (100') feet of the centerline of a major stream or within fifty (50') feet of the centerline of a minor stream shall be in open space.
505. FLOODPLAINS. All proposed uses in designated floodplains shall comply with the Borough's existing Floodplain Ordinance, as amended from time to time.
506. FILLING, EXCAVATION, AND GRADING.
- A. Permit Required. All activities which require the moving of earth or the filling or excavation of an area, except for street construction, shall obtain a zoning permit issued by the Zoning Officer. Finish grading or incidental grading of a lot and minor earth moving from one place to another on a lot for landscaping or agricultural purposes shall not require a zoning permit.

B. Grading Regulations.

1. The existing grade shall not be increased so that unstable slopes are created.
2. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
3. The deposit of soils, detritus or other debris (as a result of site preparation, grading, or excavating) shall not be unsightly or detrimental to any property, street, sewer, or natural waterways.
4. All PA Department of Environmental Resource and County Soil and Water Conservation District regulations shall apply.

507. OUTDOOR STORAGE CONTROL.

- A. No flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground, except for tanks or drums of less than 600 gallons of fuel which is directly connected with engines, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.
- B. All outdoor storage facilities for fuel, raw materials, and products stored outdoors (including those permitted in Section 507.A.) shall be enclosed by a fence of a type, construction and size as shall be adequate to protect the public health, safety, and welfare.
- C.
  1. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
  2. No substance which can
    - a. contaminate groundwater or surface water,
    - b. render groundwater or surface water undesirable as a source of water supply or recreation, or
    - c. destroy aquatic life,shall be allowed to enter any groundwater or surface water.
  3. Applicable Department of Environmental Resources regulations shall apply.
  4. Unlicensed vehicles, junk cars or parts of cars, old appliances or junk of any kind shall not be stored out of doors on any lot.

## ARTICLE 6

### SIGNS

#### 601. SCOPE AND APPLICABILITY.

A. Purpose. The purposes of the regulations contained in this Article are to:

1. Promote and maintain overall community beautification,
2. Establish reasonable time, place, and manner regulations on the exercise of free speech,
3. Promote traffic safety, and
4. Promote the most appropriate uses of the land.

B. Permit Required.

1. A sign permit is required for any permanent sign not expected by Section 601.B.2.
2. A sign permit is not required for:
  - a. any temporary sign,
  - b. a mere change of copy on an existing sign,
  - c. any sign specifically authorized by laws, regulations or resolutions of the Federal, State, County or Borough Government. The sign regulations of this Ordinance do not apply to these signs.
3. Each sign shall comply with the standards of this Ordinance, whether or not a sign permit is required.

C. Nonconforming Signs.

1. Signs existing at the date of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
2. Once a nonconforming sign is removed, it may be replaced only with a conforming sign.
3. Except as provided in Section 601.C.4., nonconforming signs (including existing lighting) may be repainted or repaired provided such repainted or repaired sign does not exceed the dimensions of the existing sign; wording may also be changed.
4. Nonconforming signs over ten (10) years of age shall be repaired in conformance with the provisions of this Article.

602. CONSTRUCTION.

- A. Every sign shall be constructed of durable materials and shall be kept in good condition and repair.
- B. Any sign which is allowed to become dilapidated may, after notification, be removed by the Borough at the expense of the owner or leasee of the property on which it is located.
- C. Any sign which is to be located in the B-2 District shall be reviewed by the Planning Commission prior to the issuance of a sign permit. Such signs shall be of appropriate color and materials, which are compatible with the downtown business area.

603. LOCATION.

- A. Street Lines, Lot Lines, and Property Lines. No sign shall be located closer than five (5') feet to any property line or lot line and no sign shall be allowed on Borough property or within street right-of-way lines (except those of the Government body which owns such right-of-way), unless specifically authorized by another Borough ordinance or resolution or Commonwealth of Pennsylvania law or regulation.
- B. No Traffic Interference.
  - 1. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of color, location, shape, or other characteristic), or through any other means.
  - 2. All signs shall comply with the provisions of Section 404.C. that regulate site distance. No sign shall obstruct views of oncoming traffic from a public road or private driveway.
- C. No sign shall be placed on any property or pole without first receiving permission from the owner of the property or pole.

604. HEIGHT AND CLEARANCE.

- A. Height. No freestanding sign structure shall exceed twenty (20') feet in height above the average ground level at the base of such sign. No wall or projecting sign shall project above the height limit of structures in the zoning district in which it is located, nor shall it extend more than twenty (20') feet above the highest part of the roof.

- B. Clearance. No hanging, suspended or projecting signs (except in a service station driveway) shall have a vertical clearance of less than fourteen (14') feet over any vehicular public way, nor less than nine (9') feet over any pedestrian public way. In service station driveways, the minimum clearance shall be twelve (12') feet. Public ways used in this subsection include privately owned sidewalks or drives, customarily used by the public.

605. NUMBER PERMITTED.

A. On-Premises Signs.

1. In General.

- a. Each use shall be limited to two (2) signs along each street on which the use is located except whenever more than two businesses exist in one building, a single directory sign shall be used in place of individual free-standing signs for each business.
- b. Such signs shall be limited to two (2) of the following types:
  - (i) One (1) wall sign,
  - (ii) One (1) projecting sign,
  - (iii) One (1) window sign, or
  - (iv) One freestanding sign.

2. Planned Developments.

- a. Planned Commercial, Office, or Industrial Developments. In addition to the signs permitted for individual commercial uses, one (1) freestanding, on-premises sign indicating the name of the development may be erected along each road fronting such development, with a maximum sign area of forty-eight (48) square feet.
- b. Residential Developments. One (1) freestanding sign indicating the name of a subdivision of more than eight (8) lots or single family cluster development with a maximum sign area of thirty-two (32) square feet may be erected along each road fronting such development.

3. Temporary Signs.

- a. Real Estate. A temporary sign may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located, provided that such sign shall be maintained and removed within seven (7) days after consummation of the lease or sale transaction.

- b. Construction Sites. A nonilluminated temporary sign (developer/contractor sign or mechanic/subcontractor/other artisan sign) may be permitted on a construction site, provided such sign shall be removed within seven (7) days after completion of the construction work and not more than one (1) sign per developer, contractor, mechanic, subcontractor, or artisan shall be placed on each street frontage of the construction site.
  - c. Public Events. A temporary, on-premises sign may be permitted announcing a public, educational, charitable, civic, religious, or similar campaign or event for a total period not to exceed thirty (30) days in any calendar year, provided it is removed within seven (7) days after the conclusion of the campaign or event.
  - d. Banners, spinners, pennants, or any moving object used for commercial advertising purposes (whether containing a message or not), are prohibited in all zoning districts except for use during not more than four (4) special occasions in one (1) calendar year by a use located in any zoning district for a period of not more than a total of twenty (20) days per calendar year.
  - e. Auction or Garage Sale Sign. Up to two (2) temporary, nonilluminated on-premise signs in addition to directional signs are permitted to advertise an auction or garage sale. Such signs may be placed a maximum of fourteen (14) days before an event and shall be removed within seven (7) days afterward.
  - f. Political Signs. The area of any one side of such signs shall not exceed twenty-four (24) square feet. Such signs shall not be erected earlier than forty-five (45) days prior to the election to which they pertain and shall be removed no later than seven (7) days after the date of said election. Removal of such signs shall be the responsibility of the property owner.
4. Signs on Mobile or Portable Stands. Intent: these standards recognize signs on mobile or portable stands as a particular type of sign that has the characteristics of a temporary sign, but that is inappropriately used as a permanent sign.
- a. Signs on mobile or portable stands shall be permitted only in the B-3 District.
  - b. Signs on mobile or portable stands shall have a maximum sign area of forty (40) square feet.
  - c. Only one mobile or portable sign shall be permitted per use or per lot whichever is lesser.
  - d. Permit - the display of signs on mobile or portable stands shall require a special permit to insure their use only as a temporary sign. The cost of this permit shall be ten (10) dollars.

- e. Time limit - a permit for a sign on a mobile or portable stand shall be limited to thirty (30) days and be issued only once per use or lot, whichever is lesser, within a calendar year.
- f. Deposit - to insure that a sign on a portable or mobile stand is removed within thirty (30) days, the applicant shall be required to pay a one-hundred and fifty (150) dollar deposit to the Borough. This deposit shall be refunded only if the sign is removed within the thirty (30) days of the issuance of the permit. Refusal to remove the sign after the thirty (30) days shall constitute a zoning violation, within the procedure of the Ordinance.
- g. No sign on a mobile or portable stand shall be placed so that it causes a hazard to traffic, nor shall it be placed within the existing road right-of-way.
- h. No sign on a mobile or portable stand shall include a flashing or blinking light, although the sign may be internally illuminated.

B. Directional Signs.

- 1. No more than three (3) directional signs shall be permitted in the Borough for any use, object, product, service, place, activity, person, institution, organization, or business.
- 2. These are signs intended solely to direct motorists towards uses and shall include no advertising other than the name of the use. These signs shall have a maximum sign area of four (4) square feet. These signs may specifically be used to direct motorists to auctions or garage sales, provided that the signs are removed within two (2) days of the sale.

606. ILLUMINATED SIGNS.

- A. Signs may be illuminated by direct or indirect lighting or internal backlighting, provided such lighting shall be shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets.

607. REMOVAL.

- A. On-premises signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise a new use or product within ninety (90) days after cessation of the original use or availability of the original product.
- B. Signs once removed shall be replaced only by signs in conformance with this Ordinance.

608. VEHICLES OR STRUCTURES USED AS SIGNS.

- A. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself, shall be considered a freestanding sign and as such be subject to the provisions regarding freestanding signs in the district in which such vehicle or structure is located.
- B. All sign provisions of this Ordinance shall apply to the use of silos, smokestacks, water towers, and other similar structures as signs.

609. SIGNS PROHIBITED IN ALL DISTRICTS.

The following signs are prohibited in all zoning districts:

- A. Flashing, blinking, twinkling, animated, or moving signs of any type, except those portions of signs which indicate time and temperature changes.
- B. Signs placed, inscribed or supported upon the roof.
- C. Signs which omit smoke, visible vapors or particles, sound or odor.
- D. Signs that appear to direct the movement of traffic, or which interfere with or resemble any official traffic sign, signal or device, shall not be permitted, erected or maintained.

610. SIGN AREA REGULATIONS.

No sign shall exceed the maximum sign area established for that sign in Table 6.1.

611. OFF-PREMISE SIGNS (Including Billboards).

A. General Requirements.

- 1. Size and Location. Billboards:
  - a. Shall be no more than thirty-two (32) square feet in size.
  - b. Shall be located only within five hundred (500') feet of PA Route 93 and only in the B-3 Highway Business District.
- 2. Setbacks and Spacing. Off-Premise signs shall:
  - a. Meet the required front yard setback requirements for a structure.

- b. Spaced no closer than five hundred (500') feet from another billboard, as measured along the same side of the street, or meet spacing requirements of the Pennsylvania Highway Beautification Act, whichever is more strict.
- c. Located no closer than one hundred (100') feet from an R-1, R-2 or R-3 Residence District as measured along same side of a street, nor within these districts.
- d. Located no closer than two hundred (200') feet from any dwelling.

3. Building Requirements. All off-premise signs must meet the BOCA Code as to structural and electrical standards.

B. No off-premise signs shall be allowed in the Borough other than those complying with this section, directional signs (see Section 605.C.), official signs (see Section 601.B.2.c.) or any other off-premise sign specifically allowed by this Ordinance.

TABLE 6.1 SIGN AREA REGULATIONS

Location of Sign	Type of Sign Structure	C District	R-1, R-2 and R-3 Districts	B-1 District	B-2 and B-3 Districts
b.					
ON-PREMISES					
	Directory Sign			48 sq. ft. per 4 Bus. + 6 additional sq. ft. per Business with a maximum of 84 sq. ft. for 10 Businesses.	48 sq. ft. per 4 Bus. + 6 additional sq. ft. per Business with a maximum of 84 sq. ft. for 10 Businesses.
	Freestanding Sign	12	8	32 sq. ft.	48 sq. ft.
	Wall or Projecting Sign	12	8	Not Exceeding 10% of Building Face Area on That Street	Not Exceeding 15% of Building Face Area on That Street
	Window Sign	8	8	Not Exceeding 10% of Building Face Area on That Street	Not Exceeding 10% of Building Face Area on That Street

c.

OFF-PREMISES See Section 605 B. (Directional Signs) and Section 611 (Off-Premise Signs)

a. Area of Signs:

1. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other simple shape, including the sign background, which encompasses all of the letters and symbols.
3. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, than both sides of such sign shall be considered in calculating the sign area.

- b. See Section 605 A. for permitted number of signs.
- c. See Section 605 B. for permitted number of signs.

ARTICLE 7

OFF-STREET PARKING AND LOADING

701. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

A. Requirement.

1. Each use established, enlarged, or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 7.1 and the regulations of this Article.
2. Uses not specifically listed in Table 7.1 shall comply with the requirements for the most similar use listed in Table 7.1.
3. Where a proposed use contains or includes more than one type of use (regardless of whether each use is listed in Table 7.1 or is an unlisted use), the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter (1/4, 0.25) or more shall be counted as one (1).

B. Conditional Reduction in Off-Street Parking Areas.

1. The Borough recognizes:
  - a. the importance of providing adequate, well-designated off-street parking areas,
  - b. the need to limit the amount of paved parking areas to preserve open space and limit storm water runoff, and
  - c. that unique circumstances associated with a land use may justify a reduction in the parking requirements of Section 701.A.
2. The Zoning Hearing Board may permit a reduction, through the special exception review process of Section 312.B., of the number of parking spaces to be initially developed as required by Section 701.A., provided each of the following conditions are satisfied:
  - a. The applicant shall demonstrate to the Board, using existing and projected (five year) employment, customer, or other relevant data, that a reduction in the off-street parking spaces to be initially developed as required by Section 701.A. is warranted.
  - b. (i) The applicant shall submit plans for the parking lot(s) which designate a layout for the total number of parking spaces needed to comply with the parking requirement in Section 701.A.

TABLE 7.1  
OFF-STREET PARKING REQUIREMENTS

USE	ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH	PLUS ONE (1) OFF- STREET PARKING SPACE REQUIRED FOR EACH
<b>A. AGRICULTURAL USES</b>		
1. Agriculture	Employee	- - - -
2. Animal Hospital/Veterinarian	Employee	0.25 Doctor (4 spaces per Doctor)
3. Animal Husbandry	Employee	- - - -
4. Greenhouse/Nursery	Employee	100 sq. ft.*
5. Kennel	Employee	4 animals of capacity
6. Riding Stable	Employee	4 animals of capacity
7. Seasonal Roadside Produce Stand	Employee	100 sq. ft.*
<b>B. RESIDENTIAL USES</b>		
1. Single Family, Two Family, Multifamily Dwelling, and Accessory Apartments	0.5 Dwelling Unit (2 Spaces per Dwelling Unit)	- - - -
2. Home Occupation	0.5 Dwelling Unit	Nonresident Employee working during an 8 hour period
3. Housing for the Elderly	4 Dwelling Units	Full-time Employee on Shift of Highest Employment
4. Rooming/Boarding House; Group Home; Fraternity; and Other Similar Places	1 per Bedroom	Each Employee
<b>C. PUBLIC OR PRIVATE RECREATIONAL USES</b>		
1. Commercial Swimming Pools & Outdoor Recreation	4 Persons of Total Capacity	Employee
2. Private or Membership Clubs or Lodges	6 Members or 6 Persons of Total Capacity	Employee
3. Driving Ranges, Miniature Golf	1 per Tee	Employee
4. Bowling Alleys	0.25 Lanes (4 Spaces per Lane)	Two Employees
5. Theaters, Auditoriums, Libraries, Skating Rinks Stadiums	6 Seats (Bench Capacity computed at 1 Seat for each 20 inches)	Two Employees
<b>D. INSTITUTIONAL AND EDUCATIONAL USES</b>		
1. Churches or Other Places of Worship	4 seats	100 sq. ft. of Meeting Room Area plus 1 space for each 2 Employees Staff or Visiting Doctor
2. Hospital/Nursing Home	3 patient beds	Plus 1 Space for Each 2 Employees on Shift of Highest Employment
3. Medical or Dental Office; Clinic	4 Spaces per Practi- tioner	Employee
4. Nursery/Day Care Center	Employee	12 Students
5. School	0.8 Faculty and Other Full-Time Employees	8 Students Aged 16 Years or Older
6. Utility Substation	Vehicle Normally Required to Service Such Facility	- - - -

TABLE 7.1  
OFF-STREET PARKING REQUIREMENTS (CONTINUED)

USE	ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH	PLUS ONE (1) OFF- STREET PARKING SPACE REQUIRED FOR EACH
7. Meeting or Assembly Halls for Fraternal or Civic Organizations	50 sq. ft. of Floor Area*	Two Employees
<b>E. RETAIL AND COMMERCIAL SERVICE USES</b>		
1. Auto, Gas/Service/Repair	Employee	0.33 Service Bay (3 Spaces per Bay) + 1 Space for each 300 sq. ft. of retail sales area
2. Auto, Truck, Recreational Vehicle or Boat Sales	10 Vehicles on Display	Employee
3. Business Services such as Banks, Savings & Loan, Other Financial Institu- tions, Credit Unions	100 sq. ft. of Floor Area used for Ser- vicing Customers*	Employee
4. Fast Food Restaurant	100 sq. ft. of Gross Floor Area	Table or Booth, plus one space for each two counter stools, + 1 space for each two employees
5. Funeral Home	4 Seats for Parton Use or 50 sq. ft. of Gross Floor Area	Employee
6. Hotel/Motel	Rental Unit	Employee
7. Laundromat	3 Washing or Dry-Cleaning Machines	Employee
8. Office with Floor Area		
-400 sq. ft. or Less	200 sq. ft.**	- - - -
-More than 400 sq. ft.	150 sq. ft.**	- - - -
9. Personal Service Business (Barber Shops, Photo Shops, Appliance Repair)	100 sq. ft.*	Two Employees
10. Restaurant, Tavern	3 Seats for Customers	Two Employees
11. Retail Store, General Merchandise Store	150 sq. ft.*	Two Employees
12. Furniture or Appliance Store	300 sq. ft. of Sales Floor Area	Employee
13. Car Wash	Stall	Employee
14. Shopping Centers	220 sq. ft. of Retail Sales Area (4.5 spaces per 1,000 sq. ft.)	- - - -
<b>F. INDUSTRIAL, WHOLESALE, AND WAREHOUSING USES</b>		
1. Wholesaling & Warehousing	200 sq. ft. of Office & Customer-Service Floor Area**	1.5 Full-time employee
2. Manufacturing & Indus- trial	2 Employees on largest Shift	Company Vehicle Based at Plant

\* Of all area occupied by equipment, furnishings, or inventory accessible to customers or partons, but not including corridors, toilet rooms, and other such accessory rooms as may be provided.

\*\* Of all area occupied by equipment, furnishings, or inventory accessible to employees, but not including corridors, toilet rooms, and other such accessory rooms as may be provided.

- (ii) The plans shall clearly designate which of these parking spaces are proposed for immediate use and which spaces are proposed to be conditionally reserved for potential future use.
- (iii) The portion of the required parking spaces conditionally reserved for potential future use shall not be within areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.
- (iv) Areas conditionally reserved for potential future use shall be attractively landscaped and remain in open space.
- c. (i) The applicant shall enter into an agreement with the Borough requiring the applicant to (a) maintain each conditionally reserved area as attractively landscaped open space and (b) convert some or all of the conditionally reserved area to additional off-street parking if at any time the Board finds (based upon the results of field investigations and recommendations of the Borough Engineer) that additional parking is needed.
- (ii) This agreement shall be recorded to the deed as a covenant running with the land.

702. GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES.

- A. Existing Parking. Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this article, provided that the kind or extent of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.
- B. Changes in Use. Whenever a building or use (including those specified in Section 702.A.) is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 701. for an increase of ten (10%) percent or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement so required.
- C. Continuing Character of Obligation.
  - 1. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.
  - 2. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this article in conjunction with a change in the nature of the use.

- D. Conflict With Other Uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.
- E. Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400') feet walking distance of the principal use.
- F. Joint Use.
1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection 702.F.2.
  2. Up to fifty (50%) percent of the parking spaces for (a) bowling alleys, theater, auditoriums or private clubs, and up to one hundred (100%) percent of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the Borough Solicitor, and filed with the application for the zoning permit.
- G. Parking of Commercial Vehicles. Only one (1) commercial motor vehicle may park on a residential lot within the residential district, provided that it does not exceed 11,000 lbs. gross vehicle weight.
- H. Temporary Parking for Civic and Charitable Events. Parking will be provided at the rate of one (1) space for every three (3) persons expected to attend the event, estimated from attendance in previous years, if available, and one (1) space for every two (2) workers. Also, the proper law enforcement officials shall be contacted and safe access and traffic control provided.

703. DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES.

A. General Requirements.

1. The design standards specified in this section shall be mandatory for all new off-street parking facilities with a capacity of six (6) or more vehicles.
2. Every parking facility shall be designed so that its use does not constitute a nuisance, hazard, or unreasonable impediment to traffic.

3. Every parking area shall be arranged for orderly, safe movement.
4. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space.
5. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
6. No parking area shall be located in a required buffer yard.
7. Handicapped parking shall be provided according to the requirements of the Americans with Disabilities Act.

B. Parking Spaces.

1. Each parking space shall have a stall width of at least nine (9') feet.
2. Each parking space shall have a stall depth of:
  - a. at least twenty (20') feet for all angle parking or
  - b. at least twenty-two (22') feet for parallel parking.
3. All spaces shall be marked so as to indicate their location, except those of a single family or two-family dwelling.

C. Aisles.

1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 feet
30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be at least twenty-five (25') feet in width.
3. No aisle shall exceed two hundred (200') feet in length.

D. Entrance and Exit Drives.

1. Each entrance and exit drive shall have a minimum width of twelve (12') feet and maximum width of fifteen (15') feet at the street line for one-way use only and a minimum width of twenty (20') feet and maximum width of thirty (30') feet at the curb line for two-way use.

2. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
  3. At least forty (40') feet shall be provided between any two (2) access drives along one (1) street for one (1) lot.
  4. No access drive or driveway shall be less than thirty (30') feet from any street intersection. Clear sight triangle provisions as described in Article 4, Section 404.C.2. shall apply to these access points.
  5. Where sidewalks and curbing exist on adjoining property, or are required for the subject property, adequate provisions shall be made for continuous curbing and sidewalks across the entrance and exit drives.
  6. FOR OTHER DRIVEWAY REGULATIONS AND SPECIFICATIONS, PLEASE REFER TO THE DRIVEWAY ORDINANCE.
- E. Grading, Surface Drainage. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties, in a manner approved by the Borough Engineer.
- F. Nighttime Illumination.
1. Any parking area designed for use by four (4) or more cars after dusk shall be adequately illuminated.
  2. All lighting fixtures used to illuminate parking areas shall be shielded and arranged to prevent glare into public streets and adjoining properties.
- G. Street Separations. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street by an approved curb and by a planting strip which shall not be less than ten (10') feet in depth. This planting strip shall be parallel to the right-of-way line and shall be measured from the right-of-way line.
- H. Screening and Landscaping. Any parking area of six (6) or more spaces which is not within a building and abuts or is across a street from any lot in an R-1, R-2 and R-3 Residence District, shall be provided with a suitable fence, wall, or evergreen planting at least four (4') feet in height, designed to screen visibility and headlight glare from such residential lot.

704. OFF-STREET LOADING.

- A. General Requirement. Off-street loading sufficient to accommodate the maximum demand generated by the use of the lot and with proper access from the street or alley as determined by the Zoning Officer or another applicable review agent for the Borough shall be provided on any lot on which a building for business or industry is hereafter erected. All off-street loading and unloading spaces shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Borough Engineer to the extent necessary to protect adjoining property.
  
- B. Minimum Size. Each off-street loading and unloading space shall be a minimum of fourteen (14') feet by seventy-five (75') feet and in addition have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.
  
- C. Driveways. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35') feet; the minimum width shall be twenty (20') feet.

ARTICLE 8

ADMINISTRATION

801. GENERAL PROCEDURE.

- A. Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by filling out the appropriate form and by submitting the required fee.
- B. The Zoning Officer shall either issue the zoning permit or shall refuse the permit, indicating in writing the reason for refusal. Certain construction, alterations or uses require approval of the Zoning Hearing Board and/or of Borough Council, and/or the recommendations of the Planning Commission.
- C. If refused a permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.
- D. After the zoning permit has been received by the applicant, he may undertake the action permitted by the zoning permit.
- E. Upon completion of such action, the applicant shall apply to the Zoning Officer for an occupancy permit where such a permit is required.
- F. If the Zoning Officer finds that the action of the applicant is in accordance with the zoning permit and any other required permits, he shall issue an occupancy permit allowing the premises to be occupied.

802. PERMITS AND CERTIFICATES.

A. Zoning Permit.

1. Scope.

- a. No person shall erect, alter, or convert any structure or building, nor alter the use of any land or structure, until the Zoning Officer issues a zoning permit to the person for said change or construction.
- b. No building shall be approved without an approved sewage permit, where applicable.
- c. No zoning permit is required for normal maintenance and repairs.

2. Types of Uses.

- a. Permitted Use. A zoning permit for a permitted use may be issued by the Zoning Officer.

- b. Special Exception, Variance. A zoning permit for a use requiring a special exception or variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing following an opportunity for review by the Planning Commission. An application for a special exception, variance, or for interpretation of any part or provision of this Ordinance shall be made to the Zoning Hearing Board on forms which may be obtained from the Zoning Officer.

### 3. Application.

- a. All applications for a zoning permit shall be in writing on a form provided by the Zoning Officer and shall be submitted to the Zoning Officer.
- b. All applications for a zoning permit shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Officer or the Zoning Hearing Board may require any additional information which he or it deems necessary to properly evaluate the application for the purpose of determining its conformity with this Ordinance.
- c. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for such permit to determine compliance with this Ordinance and all other applicable ordinances, resolutions and subdivision regulations of the Borough. The application shall also be in compliance with all applicable State and Federal regulations and requirements. No permit shall be issued until this determination has been made.
- d. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

### 4. Issuance.

- a. The Zoning Officer shall issue or refuse an application for a zoning permit within fifteen (15) days after the date such application was made, except as specifically provided for in this Ordinance.
- b. A zoning permit shall be issued in at least triplicate.
- c. One (1) copy shall be kept conspicuously on the premises. No person shall perform building operations of any kind unless a zoning permit is being displayed as required by this Ordinance.
- d. After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit plans, specifications, or other documents submitted with the application without the written consent or approval of the Zoning Officer.

- e. A six (6) month starting time shall be required after the permit is issued. An eighteen (18) month completion date shall be required from the issue date of the permit. Extensions may be granted for an additional six (6) months upon approval of the Zoning Officer.
- f. The Zoning Officer shall be notified at least twenty-four (24) hours prior to the commencement of work at the site under the zoning permit.

B. Occupancy Permit.

- 1. Scope. Prior to the use, occupancy of any land or building, or the reoccupancy of any commercial land or building or part thereof, or for any change of any land or building, or for any change of use of land, an occupancy permit shall be secured from the Zoning Officer. For certain accessory structures, the occupancy permit may be waived by the Zoning Officer.
- 2. Application. All applications for an occupancy permit shall be in writing on a form furnished by the Zoning Officer.
- 3. Issuance.
  - a. The Zoning Officer shall grant or refuse an application for an occupancy permit within five (5) days after being notified of the completion of authorized construction or alteration, or (where no construction or alteration is involved) within five (5) days after receipt of such application.
  - b. A copy of the occupancy permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the Borough.
- 4. The owner of the property is responsible for securing the occupancy permits as required under this section.

C. Other Permits. The Borough may require additional permits specified in other related ordinances and laws.

D. Certificate of Nonconforming Use or Structure.

- 1. The owner of the premises occupied by a lawful nonconforming use or structure may secure a certificate of nonconforming use or structure from the Zoning Officer.
- 2. Such certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

803. ZONING OFFICER.

A. Appointment.

1. The Zoning Officer shall be appointed by Borough Council, shall be a resident of the Borough and shall not hold any elective office. The residency requirement may be waived by Borough Council.
2. The Zoning Officer or staff shall continue to serve the Borough until such time as Borough Council declares otherwise.

B. Duties and Powers.

1. The Zoning Officer shall:
  - a. administer the Zoning Ordinance in accordance with its literal terms,
  - b. at the request of Council, identify and register non-conforming uses and nonconforming structures together with the reasons why the Zoning Officer identified them as nonconforming,
  - c. receive and examine all applications required under the terms of this Ordinance,
  - d. issue or refuse permits within fifteen (15) days of the receipt of the application, except as specifically provided for in this Ordinance,
  - e. receive complaints of violation of this Ordinance,
  - f. issue a written notice of violation to any person violating any provision of this Ordinance, and institute Civil Enforcement Proceedings as authorized by Council,
  - g. keep records of applications, permits, and certificates issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued, and
  - h. make all required inspections and perform all other duties as called for in this Ordinance.
2. The Zoning Officer shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.
3. Should the said Zoning Officer be in doubt as to the meaning or intent of any provision of this Ordinance, or as to the location of any district boundary line on the Zoning Map, or as to the propriety of issuing a zoning permit or a certificate of occupancy in a particular case related to the provision of this Ordinance, he shall appeal the matter to the Zoning Hearing Board for interpretations and decision.
4. The Zoning Officer shall adopt rules of procedure, consistent with this Ordinance, for the purpose of assuring efficient and uniform administration of its provisions.

5. In order not to unreasonably delay the time when a landowner may secure assurance that the Ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the Ordinance or Map will run under Section 914.1 of Act 170 by the following procedure:
  - a. the landowner may submit plans and other materials describing his proposed use of development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinance and maps. Such plans and other materials shall not be required to meet the standards for the issuance of a building permit so long as they provide sufficient basis for a preliminary opinion as to its compliance,
  - b. if the Zoning Officer's preliminary opinion is that the use or development complies with the Ordinance or Map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 914.1 of Act 170 and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

804. ZONING HEARING BOARD.

A. Appointment.

1. The Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by Borough Council.
2. Board members shall serve terms of three (3) years, so fixed that the term of office of one member shall expire each year.
3. Members of the Board shall hold no other office in the Borough.

B. Vacancies.

1. The Board shall promptly notify Borough Council of any vacancies which occur.
2. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. Removal.

1. Any Board member may be removed for just cause by a majority vote of Borough Council, if the member has received fifteen (15) days notice of the intent to take such a vote.
2. A hearing shall be held in connection with the vote, if the member so requests it in writing.

D. Organization.

1. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
2. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all members of the Board. But where two (2) members are disqualified to act in a particular matter, the remaining member may act for the Board.
3. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Borough ordinances and laws of the Commonwealth.
4. The fees for all proceedings, hearings, and actions by the Board shall be paid by the Applicant.

E. Alternate Members.

1. Borough Council may appoint from one to three residents to serve as alternate members of the Board for a three year term.
2. Alternate members may participate in any proceedings or discussion of the Board but shall not be entitled to vote or be compensated unless designated by the Chairman to sit on the Board in order to provide a quorum.
3. Designation of alternate members to sit on the Board shall be made on a case-by-case basis in rotation according to declining seniority among all alternate members.

F. Zoning Hearing Board Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance except curative amendments brought before Borough Council.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defect in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

3. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on the application thereof, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - a. All appeals which allege that the Zoning Officer has made an error shall be filed directly with the secretary of the Zoning Hearing Board within thirty (30) days of the Zoning Officer's alleged error.
  - b. Such appeals shall be in writing and shall explain fully the facts and parties in the case and shall clearly state the reasons or provisions of the ordinance on which the appeal is based.
  - c. Nothing contained herein shall be construed to deny the appellant the right to proceed directly in court, pursuant to Pennsylvania Rules of Civil Procedure, Section 1091-1098 (relating to mandamus).
  - d. A variance will expire after six (6) months if the appropriate permit has not been applied for.
4. Special Exception.
  - a. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance.
  - b. The Board shall have the authority to require market feasibility, environmental and/or traffic studies to reach a fair decision regarding special exception uses.
  - c. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
  - d. A special exception will expire after six (6) months if the appropriate permit has not been applied for.
5. Appeals from a determination by a municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance.
6. Application for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a land use ordinance.

- a. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made were relevant in a given case:
    - (i) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions for the Zoning Ordinance in the neighborhood or district in which the property is located.
    - (ii) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
    - (iii) That such unnecessary hardship has not been created by the appellant.
    - (iv) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
    - (v) That 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.
  - b. Application for special exceptions under the Zoning Ordinance or Flood Plain or Flood Hazard Ordinance or such provisions within a land use ordinance, where the governing body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria.
7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development right or performance density provisions of the Zoning Ordinance.
  8. Appeals from the Zoning Officer's determination under section 803.B.5.

9. Appeals from the determination of the Zoning Officer or municipal Engineer in the administration of any land use sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision or planned residential development.

10. Unified Appeals.  
(Repealed Dec. 21, 1988, P.L., No. 170)

G. Additional Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:

1. Hearings. The Board shall conduct hearings and make decisions in accordance with Section 805.

2. Records and Reports. The Board shall keep full public records of its business and shall submit an annual report of its activities to Borough Council and submit copies of minutes to the Borough Secretary.

3. Court Appeals.

a. In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law, and shall promptly notify the Borough Solicitor of such appeal and furnish him with a copy of the return including the transcript of testimony.

b. Any decision of the Board not appealed within thirty (30) days after notice thereof shall be final.

H. Applications to the Board.

1. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board.

2. Every appeal or application shall include the following:

a. The name and address of the applicant, or appellant;

b. The name and address of the owner of the property to be affected by such proposed change or appeal;

c. A brief description and location of the property to be affected by such proposed change or appeal;

d. A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof;

e. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and

f. A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size, material, and general construction of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description.

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

I. Time Limitations and Stay of Proceeding Procedures. The time limitations for raising certain issues and filing certain proceedings with the Board and stay of proceeding procedures shall be in accordance with the provisions of Act 170.

1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application of development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person had succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan of Act 170 or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map of Act 170 shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

3. Stay of Proceedings.

- a. Upon filing of any proceeding referred to in Section 913.3 of Act 170 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development, or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continue the proceedings before the Board.
- b. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the Court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the Court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the Court.
- c. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- d. If an appeal is taken by a respondent to the petition for a bond from an order of the Court dismissing a zoning appeal for refusal to post a bond and the appellate Court sustains the order of the Court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the Court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

805. HEARINGS.

- A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Notice to the public shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality.
  - a. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
  - b. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
2. Notice of such hearing shall be conspicuously posted on the affected tract of land.
3. Notice shall be given to the applicant, the Zoning Officer, the Commission, the Borough Council, adjoining property owners (including those across the street and any other person or group (including civic or community organizations) who has made a timely request for such notice, by personally delivering or mailing a copy of the published notice.
4.
  - a. In any matter which relates to a property which lies within two hundred (200') feet of the boundary of another municipality, the secretary of the Board shall transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing on such matters, not later than one (1) day after publication thereof.
  - b. The other municipality shall have the right to appear and to be heard at the public hearing.
5. The Borough Council may establish reasonable fees, based on cost, to be paid by the applicant for any notice required by this Ordinance and by persons requesting any notice not required by Ordinance.

B. Parties.

1. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
2. 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.

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

D. Representation by Counsel. 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.

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

F. Record.

1. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.

2. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

G. Ex Parte Communications.

1. The Board 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.

2. The Board 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.

3. After the commencement of hearings, the Board shall not inspect the site or its surroundings with any party or his representative, unless all parties are given an opportunity to be present.

H. Referral to Planning Commission.

1. The Board shall refer to the Planning Commission:

a. all applications for special exceptions, and

b. any other application or appeal which in the opinion of the Board requires review by the Commission.

2. In its review of a special exception, the Commission shall determine compliance with the standards and criteria set forth in this Ordinance.

3. In all cases the Commission shall report in writing its findings and recommendations to the Board within thirty (30) days of their receiving the request for review.

4. The Board and Commission shall establish mutually acceptable procedures to assure that the review is accomplished in time to permit the Board to make its required decision.

I. Decision/Findings.

1. The Board shall render a written decision or make written findings (when no decision is called for) on the application, within forty-five (45) days after the last hearing before the Board.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.
3. Any conclusion based on any provision of Act 247, as amended, or of this Ordinance, or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
4. After the Zoning Hearing Board renders its decision, the applicant shall have a period of six (6) months to secure the permits necessary under this Ordinance. If the applicant has not obtained such necessary permits within six (6) months the decision of the Zoning Hearing Board shall no longer be in effect.

J. Notice of Decision.

1. A copy of the final decision or a copy of the findings (when no decision is called for), shall be delivered to the Zoning Officer and the applicant personally or mailed to him not later than the day following its date.
2. The Zoning Hearing Board shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their name and addresses with the Zoning Hearing Board not later than the last day of the hearing.
3. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

806. APPEALS.

- A. In General. All appeals for securing review of this Ordinance or any decision, determination, or order of Borough Council, its agencies or officers issued pursuant to this Ordinance, shall be in conformance with Article X of Act 247, as amended.
- B. Procedural Defects in Enactment. Questions of an alleged defect in the process of enactment or adoption of this Ordinance shall be raised by an appeal taken directly from the action of Borough Council to the court filed not later than thirty (30) days from the effective date of the Ordinance or map.
- C. To the Zoning Hearing Board. Appeals to the Board shall comply with Section 804.

807. AMENDMENTS.

- A. The Borough may, on its own motion or by petition, amend, supplement, change, modify, or repeal this Ordinance.
- B. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice.
- C. In the case of an amendment other than that prepared by the Planning Commission, such amendment shall be submitted to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment and permit the Commission an opportunity to submit recommendations. In the case of an amendment proposed by a landowner, the landowner shall submit the requested amendment, along with the required fee, to the Zoning Officer. The Zoning Officer shall then send a copy to the Planning Commission for review.
- D.
  - 1. The Planning Commission shall submit the proposed amendment to the County Planning Commission for recommendations at least thirty (30) days prior to the hearing on such proposed amendment.
  - 2. The recommendation of the Luzerne County Planning Commission shall be made to Borough Council within forty-five (45) days, and the proposed action shall not be taken until such recommendation is made or until after forty-five (45) days.
- E. 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, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

808. CURATIVE AMENDMENTS.

- A. A landowner who desires to challenge on substantive grounds the validity of this which prohibits or restricts the use of development of land in which he has an interest, may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided is provided in Act 247, as amended by Act 170 of 1988.
- B. Borough Council shall commence a hearing thereon within sixty (60) days of the request unless the landowner requests a consent to an extension of time.

809. FILING FEES AND COSTS.

- A. Borough Council has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance. A revised or new fee schedule and collection procedures may be adopted from time to time.
- B. No application shall be considered filed until all fees are paid.

810. REMEDIES AND PENALTIES.

- A. Enforcement Remedies. If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Borough Council or its authorized representative and/or the Zoning Officer may, in addition to other remedies, institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- B. Enforcement Penalties.
  - 1. Any person who violates this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.00).
  - 2. In default of payment of the fine, such person shall be liable to imprisonment for not more than sixty (60) days.
  - 3. Each day that a violation is continued shall constitute a separate offense.
  - 4. All fines collected for the violation of this Ordinance shall be paid to the Borough.

811. PLANNING COMMISSION DUTIES.

- A. The Planning Commission shall, at the request of the Borough Council, have the power and shall be required to:
  - 1. Prepare the Comprehensive Plan for the development of the Borough and present it for the consideration of Borough Council.
  - 2. Maintain and keep on file records of its action.
- B. The Planning Commission, at the request of Borough Council, may:
  - 1. Make recommendations to Borough Council concerning the adoption or amendment of an Official Map.
  - 2. Prepare and present a Zoning Ordinance to Borough Council and make recommendations on proposed amendments to it.
  - 3. Prepare, recommend and administer the Subdivision and Land Development Ordinance.
  - 4. Prepare and present a building code and housing code to Borough Council.
  - 5. Prepare and present an environmental study to Borough Council.
  - 6. Submit a recommended capital improvements program to Borough Council.
  - 7. Promote public interest in, and understanding of, the Comprehensive Plan and planning.
  - 8. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
  - 9. Hold public hearings and meetings.
  - 10. In the performance of its functions, enter upon any land to make examinations and land surveys with the consent of the owner.
- C. The Planning Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to Borough Council. Interim reports may be made as often as may be necessary or as requested by Borough Council.

## APPENDIX A

### PLANNED RESIDENTIAL DEVELOPMENTS

#### A.1 PURPOSES.

The regulations of this Appendix have seven (7) major purposes:

- A. To insure that the provisions of the Borough Zoning Ordinance, which are concerned in part with the uniform treatment of dwelling type, bulk, density, and open space within each zoning district, shall not be applied to the improvement of land by other than lot by lot development in a manner which would distort the objectives of the Zoning Ordinance.
- B. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety and maximum choice in the type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
- C. To provide, through the above innovations, greater opportunities for better housing recreation for existing and potential residents of the Borough.
- D. To encourage a more efficient use of land and services and to reflect changes in the technology of land development so that the economies secured may enure to the benefit of those who need homes.
- E. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, and areas of unusual beauty or importance to the natural environment.
- F. To encourage a creative use of land and related physical development which allows an orderly transition of land from rural to urban uses and provides an environment of stable character in harmony with surrounding development.
- G. And, in aid of these purposes, to provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

#### A.2 ELIGIBILITY.

No application for tentative approval of a planned residential development (PRD) shall be considered unless the following conditions are met:

- A. The proposed site is within the R-2 or R-3 Residence District.
- B. The proposed PRD consists of one or more contiguous parcels of land under one ownership containing a minimum of ten (10) acres.
- C. The proposed PRD has at least two (2) access points, one of which is located along an existing or proposed arterial or collector road.

A.3 LAND USE AND LAND USE DENSITY REQUIREMENTS.

A. Land Use Requirements.

- 1. Residential Uses. It is the objective of this section to encourage the utilization of a variety of housing types in PRD. A mix of housing types appropriate to the site subject to the approval of the Planning Commission may include the following residential uses.
  - a. Single Family Detached Dwellings
  - b. Two-Family Dwellings
  - c. Multiple Family Dwellings, excluding high-rise apartments
- 2. Nonresidential Uses. Institutional uses (such as public or private schools, nursery school/day care center, church, community center or nursing home) may be permitted in a PRD to the extent that they are designed and intended primarily to serve residents of the PRD and are compatible and harmoniously incorporated into the unitary design of the PRD.

B. Land Use Density Requirements.

- 1. The following density requirements are general standards which may be modified by the Planning Commission where it is the opinion of the Planning Commission that the findings of the site analysis (Section A.4) justify a modification.
- 2. The average gross residential density for the total PRD site shall not exceed:
  - a. six (6) dwelling units per acre in the R-2 District;  
and
  - b. seven (7) dwelling units per acre in the R-3 District.

3. The percentage of the site to be devoted to common open space shall be no less than twenty-five (25%) percent of the total site area. Common open space includes recreation areas, pedestrian use areas, steep slopes, floodplains, and easements free of paving and structures but not including parking areas, streets, and yard areas of not less than twenty-five (25') feet around all buildings.
4. The percentage of the total PRD site to be devoted to nonresidential uses shall not exceed twenty (20%) percent.

#### A.4 SITE ANALYSIS

- A. In order to determine which specific areas of the total PRD are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site will be required.
- B. The following subject categories shall be included in this analysis.
  1. Hydrology. Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas, and seasonal high water table areas throughout the site.
  2. Geology. Analysis of characteristics of rock formations underlying the site including defining aquifers (particularly those locally subject to pollution), shallow bedrock areas, and areas in which rock formations are unstable.
  3. Soils. Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils not susceptible to erosion and soils suitable for urban development. The analysis of soils will be based on the County Soils Survey of the U.S. Soil Conservation Service.
  4. Topography. Analysis of terrain of site including mapping of elevation and delineation of slope areas of twenty-five (25%) percent or more, between (15%) percent and twenty-five (25%) percent and less than fifteen (15%) percent.
  5. Vegetation. Analysis of tree and plant cover of the site, emphasizing the location of woodland and meadowland areas. Dominant tree and plant species should be identified and the characteristics of each understood.

A.5 SITE DESIGN STANDARDS

A. Residential Uses.

1. The natural features of the PRD site shall be a major factor in determining the siting of dwelling unit structures. The results of the site analysis shall be considered in the siting of all structures.
2. Conventional siting practices such as building setbacks from streets and minimum distances between buildings may be varied in order to produce attractive and interesting arrangements of buildings. Whenever possible, no structure shall be erected within a distance less than its height from any other structure.
3. Residential structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible.
4. Residential structures shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD.
5. All structures must be set back by a distance sufficient to protect the privacy of adjacent existing uses. In no event shall a structure be located less than twenty (20') feet from the property line.
6. No structure shall be located within forty (40') feet of the right-of-way of an arterial street, thirty (30') feet of the right-of-way of a collector street, nor within twenty-five (25') feet of the right-of-way of a minor street.

B. Nonresidential Uses.

1. All nonresidential uses shall be located in not more than two (2) areas of the PRD.
2. If the total parking requirements for such uses is one hundred (100) parking spaces or more, the uses must be located on a collector street.
3. Signs for nonresidential uses are permitted subject to the restrictions of Article 6 of this Ordinance.

C. Common Open Space.

1. The location, shape, size and character of the common open space shall be provided in a manner consistent with the objectives set forth for PRD in this Ordinance, concerning the conservation of natural resources and the creative use of land to obtain a living environment of stable character, with natural feature constraints determined through the natural features analysis.

2. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its natural features, size, land-use intensity, potential population, and the number and types of dwelling units to be developed.
3. Whenever possible, common open space shall be designed as a contiguous area interspersed with residential areas with pedestrian and visual access available to all residents of the PRD.
4. Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcropping, and scenic views shall be incorporated into common open space areas whenever possible. However, no less than twenty-five (25%) percent of the total common open space area shall be suitable for intensive use as an active recreation area.
5. Development of the PRD must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

D. Streets.

1. The street system of the PRD shall be designed so as to relate harmoniously with land uses within and adjacent to the PRD through the establishment of a hierarchy of roadway functions which includes collector and minor streets, to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units; common open space areas and pedestrian walkways, to create efficient and safe connections with the existing road system of the municipality in order to insure proper ingress and egress to and from the PRD and to minimize through traffic in residential areas.
2. Collector streets and minor streets in the PRD shall be so designated and shall comply with Section 405 of this Ordinance. Where the results of the site analysis indicates a need for greater or less right-of-way and cartway widths, the modifications may be authorized by the Planning Commission.
3. Cul-de-sac streets shall not exceed twelve hundred (1200') feet in length nor service more than twenty-five (25) dwelling units. Cul-de-sac streets shall have a turning circle with a minimum right-of-way radius of fifty (50') feet and shall be paved to a radius of not less than forty (40') feet.
4. In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways will be provided wherever feasible.

5. Curbs and sidewalks shall be required adjacent to streets in PRD only as deemed necessary by Borough Council for purposes of storm water control and pedestrian safety.
  6. The design and construction of streets must conform to the standards set forth in the Borough Subdivision and Land Development Ordinance relative to paving specifications, cartway design, horizontal and vertical alignment, and sight distances.
- E. Parking. Off-street parking shall be provided as required by Article 7 of this Ordinance.
- F. Lighting.
1. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted.
  2. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and signs.
  3. All such lighting shall be shielded and designed and located so as to direct light away from adjacent residents.
- G. Sewer and Water Utilities:
1. PRD shall be provided with sanitary sewer systems through connection to a public sewer system.
  2. PRD shall be provided with sanitary sewer systems through connection to a public sewer system. Applicants shall present evidence to the Planning Commission; the PRD is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the PA Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- H. Soil Erosion Control.
1. The PRD shall be designed and constructed so as to minimize site clearance and earthmoving.
  2. The results of the site analysis shall be taken into account in determining areas suitable for site clearance and earthmoving.
  3. Where site clearance and earthmoving are necessary, erosion control measures shall be undertaken in accordance with standards set forth in the Erosion and Sediment Control Handbook of the County Soil and Water Conservation District.

I. Storm Drainage.

1. The storm drainage system for a PRD shall be designed and constructed so as to minimize erosion and flooding, using as necessary, drainage easements, swales, catchment basins, silt traps, and the design of cartways so as to minimize runoff.
2. The determination of the site analysis shall be taken into account in designing and constructing the storm drainage system.
3. The design and construction of the system shall be consistent with the design and improvement standards for storm drainage set forth in the Borough Subdivision and Land Development Ordinance.

J. Tree Conservation and Landscaping.

1. Existing trees shall be preserved wherever possible. The protection of trees six (6") inches or more in diameter (measured at a height of four (4') feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
2. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be regarded as an essential feature of the PRD. In these cases extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.
3. Street trees shall be provided along all arterial and collector streets. No less than two-inch (2") caliper trees shall be provided for each fifty (50') foot increment of street at a depth sufficient to avoid future problems of grading and buildings.

K. Other Standards.

1. Telephone, electric and cable TV utilities shall be installed underground.
2. Trash receptacles to serve residential, recreational, and commercial areas shall be designed with suitable screening, and located so as to be convenient for trash removal and not offensive to nearby residential areas.
3. With the exception of standards explicitly set forth in this PRD section of the Zoning Ordinance, site design and site improvements shall conform to standards set forth in the Borough Subdivision and Land Development Ordinance.

A.6 OWNERSHIP, MAINTENANCE, AND DEDICATION OF COMMON OPEN SPACE.

A. Ownership.

1. The developer shall make provisions which insure that the common open space land shall continue as such and be properly maintained.
2. The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
  - a. The organization shall be established by the developer before the sale or rent of dwelling units in the PRD.
  - b. The form, financial capability, rules of membership, and methods of cost assessment of the organization shall be devised so as to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
  - c. The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.
  - d. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

B. Maintenance.

1. In the event that the organization established to own and maintain a common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization, or upon the residents and owners of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice.
2. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
3. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year.

4. Said entry and maintenance shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
5. Before the expiration of said year, the Borough, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space shall call a public hearing upon notice to such organization, or to the residents and owners of the PRD, to be held by the Borough, at which hearing such organization or the residents and owners of the PRD shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year.
6. If the Borough shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year thereafter.
7. The decision of the Borough shall be subjected to appeal to Court in the same manner, and within the same time limitation, as is provided for zoning appeals by this Ordinance.
8. The cost of such maintenance by the Borough shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties.
9. The Borough, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the prothonotary of the county, upon the properties affected by the lien within the PRD.

C. Public Dedication.

1. An offer of dedication of common open space made by the developer in the development plan, establishment of an organization responsible for open space areas, and accepted by the Borough shall constitute a fulfillment of responsibility for providing and maintaining common open space areas.
2. Under any other circumstances, provision for dedication must be made subject to Section A.6 A and B.

A.7 DEVELOPMENT IN STAGES.

A developer may construct a PRD in stages if the following criteria are met:

- A. The application for tentative approval covers the entire PRD and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.
- B. At least fifteen (15%) percent of the dwelling units in the plan given tentative approval are included in the first stage.
- C. At least thirty-three (33%) percent of the dwelling units in any stage are constructed and rented or sold before any commercial development shown in that stage shall be completed.
- D. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than fifteen (15%) percent of dwelling units receiving tentative approval.
- E. 1. To encourage flexibility of housing density, design, and type in accord with the purposes of this Ordinance, gross residential density may be varied from stage to stage.
- 2. A gross residential density in one stage which exceeds the permitted average gross residential density for the entire PRD must be offset by a gross residential density less than the permitted average gross residential density for the entire development in any completed prior stage, or there must be an appropriate reservation of common open space on the remaining land by a grant of easement or covenant in favor of the Borough, which specifies the amount and, if necessary, the location of the common open space.

A.8 FEASIBILITY REVIEW.

- A. Prior to application for tentative approval, the findings of the site analysis will be presented to the Borough Planning Commission.
- B. The review will not affect the application procedures of the applicant but is intended to thoroughly familiarize both the applicant and the Planning Commission with the potential of the site for the PRD.

A.9 TENTATIVE APPROVAL.

- A. Application for Tentative Approval.

1. The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Zoning Officer. An initial deposit in an amount as established by the Borough by resolution shall be paid upon filing of the application to be applied against such expenses, and additional deposits shall be made from time to time as requested by the Borough to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the Borough.
2. The application for tentative approval shall include documentation illustrating compliance with all of the standards for PRD in Appendix A.
3. Required documentation shall include, but not be limited to materials illustrating the following information:
  - a. The location, size, and topography of the area involved, and adjoining areas; and the nature of the landowner's interest in the PRD development.
  - b. The proposed land use areas, distinguishing between types of residential, nonresidential, and open space uses, and the average gross residential density for the development.
  - c. The location, function, size, ownership, and manner of maintenance of the common open space.
  - d. The use and the approximate height, bulk, and location of buildings and other structures
  - e. Information showing the feasibility of proposals for central sewerage and storm water disposition.
  - f. Utility systems.
  - g. The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities.
  - h. The provision for parking of vehicles and location, right-of-ways and cartway widths of proposed streets and public ways.
  - i. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the PRD are intended to be filed and the approximate number of dwelling units, types of dwelling units, and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.
4. Application for tentative approval shall include but not be limited to the following plans illustrating the information indicated above:
  - a. A site plan at one (1") inch equals one hundred (100') feet illustrating the following information:
    - (i) Types and approximate locations of buildings, roads, and parking areas.

- (ii) Delineation of common open space areas indicating size, nature of facilities, structures, if any, and uses.
    - (iii) Delineation of approximate locations, street types, and right-of-way and cartway widths of roadways.
  - b. Site plan illustrating phasing; including a time schedule for all on-site and off-site improvements to be dedicated for public use, which may be modified from time to time by the Borough.
  - c. A plan illustrating connection to public utilities, streets and right-of-ways accompanied by documentation as to the impact of the proposed development on said public utilities, streets and right-of-ways.
  - d. A plan illustrating the relation of the proposed PRD to the surrounding area and existing development.
  - e. Said application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the PRD would be in the public interest and would be consistent with the Borough's Comprehensive Plan.
5. One copy of every application for tentative approval received by the Zoning Officer shall be promptly forwarded to the Luzerne County Planning Commission for study and recommendation as required by the Pennsylvania Municipalities Planning Code. The County Planning Commission shall review and report upon the application to the Borough within thirty (30) days of such referral. One (1) copy of the report of the County Planning Commission shall be furnished to the landowner not less than five (5) days before the appointed time of the public hearing.

B. Public Hearing.

- 1. Within sixty (60) days after the filing of a complete application for tentative approval of a PRD pursuant to this Ordinance, a public hearing pursuant to public notice on said application shall be held by the Planning Commission in the manner prescribed in Article 8 of this Ordinance for the enactment of an amendment.
- 2. The Chairman, or, in his absence, the Vice Chairman, of the Planning Commission may administer oaths and compel the attendance of witnesses.
- 3. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross examine adverse witnesses.
- 4. A verbatim record of the hearing shall be caused to be made by the Planning Commission whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies.

5. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

C. The Findings.

1. Within sixty (60) days following the conclusion of the public hearing provided for in this Section, the Planning Commission shall, by official written communication to the landowner, either:
  - a. Grant tentative approval of the development plan as submitted;
  - b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - c. Deny tentative approval to the development plan.
2. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.
3.
  - a. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Planning Commission notify such agency of his refusal to accept all said conditions, in which case, the Planning Commission shall be deemed to have denied tentative approval of the development plan.
  - b. In the event the landowner does not, within said period, notify the Planning Commission of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
4. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
  - a. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Borough.
  - b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

- c. The purpose, location and amount of the common open space in the PRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
  - d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
  - e. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established.
  - f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the PRD in the integrity of the development plan.
5. a. In the event a development plan is granted tentative approval, with or without conditions, the Planning Commission may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the period of time within which applications for final approval of each part thereof shall be filed.
- b. Except upon the consent of the landowner, the time so established between grant of tentative approval and on application for final approval shall not be less than three (3) months, and in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

D. Status of Plan After Tentative Approval.

- 1. a. The official written communication provided for in Section A.9 C. of this Appendix shall be certified by the Planning Commission and shall be filed in his office, and a certified copy shall be mailed to the landowner.
  - b. Where tentative approval has been granted, the same shall be noted on the zoning map.
2. a. Tentative approval of a development plan shall not qualify a plat of the PRD for recording nor authorize development or the issuance of any building permits.

- b. A development plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the official review agency in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Planning Commission.

#### A.10 FINAL APPROVAL.

##### A. Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Planning Commission and within the time or times specified by the official written communication granting tentative approval.
2. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
3. The application for final approval shall include a final plan at a scale of one hundred (100') feet to the inch. If the final plan is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet.
4. The final plan shall show the following:
  - a. Name of the PRD and the municipality or municipalities in which it is located.
  - b. Name and address of the landowner and developer.

- c. North point, graphic scale, and date.
- d. Source of title to the land of the development as shown by the books of the recorder of deeds.
- e. A location map at a minimum scale of eight hundred (800') feet to the inch, showing the relationship of the property to adjoining properties and to all streets and municipal boundaries existing within one thousand (1,000') feet of any part of the property in the PRD.
- f. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1') foot in ten thousand (10,000') feet.
- g. Total number of lots, lot lines, and lot numbers, where applicable, within the development with distance accurate to the nearest hundredth of a foot.
- h. Total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density, and gross residential density in each section, where applicable.
- i. Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, distances to street right-of-way and parking areas, with distances accurate to the nearest hundredth of a foot.
- j. Accurate dimensions of common open space specifically delineating those areas to be dedicated to the municipality from those areas which will be maintained by a homeowner's association or the developer, and also indicting those areas which are to be developed as active recreation areas.
- k. Names, locations, cartways, right-of-ways, and other dimensions of existing and proposed streets including centerline courses, and curve data.
- l. Locations and dimensions of parking areas and pedestrian walkways.
- m. Location and material of all permanent monuments and lot markers.
- n. Location and dimension of easements for utilities and any limitations on such easements.
- o. The following certificates:
  - (i) Certification with seal, by a registered engineer or land surveyor to the effect that the survey and plan are correct.
  - (ii) Certificate for approval by Borough Council.
  - (iii) Certificate of dedication of streets, public facility sites, or open space areas when such dedication is proposed.

5. In the case of a PRD proposed to be developed over a period of years, final plan requirements will apply only to the section for which final approval is being sought. However, the final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.
6. The final plan shall be accompanied by the following materials:
  - a. Final profiles and cross-sections for street, sanitary and storm sewer system, and water distribution system improvements. Improvements to different systems will be illustrated on one or more separate sheets.
  - b. Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and non-residential structures to be constructed.
  - c. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the municipal solicitor as to their legal sufficiency.
  - d. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.
  - e. Such certificates of approval by authorities as have been required in this Ordinance, including certificates approving the water supply system and the central sewer system.
7. In order to guarantee the improvements listed above, the final plan will be accompanied by one of the following:
  - a. A certificate from the applicant, signed by the Borough, that all improvements and installations in the development required by these regulations have been made or installed in accordance with specifications; or
  - b. A certificate from the applicant, signed by the Borough, that a bond, certified check, or other security satisfactory to the official review agency has been filed with the municipality; or
  - c. A bond, certified check or other security satisfactory to the Planning Commission which shall:
    - (i) Run or be made payable to the Borough;
    - (ii) Be in an amount determined by the official review agency to be sufficient to complete the improvements and installation in compliance with these regulations;
    - (iii) In the case of a bond, it shall also: be with surety satisfactory to the Planning Commission; be in form, sufficiency, and execution acceptable to the Planning Commission;

- (iv) The bond, certified check, or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Planning Commission. When the improvements have been completed and approved by the Planning Commission, the guarantee shall be released and returned. As the required improvements progress and are approved by the Planning Commission, a portion of the bond, moneys or other security commensurate with the cost of the improvement may be released and returned;
  - (v) In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund.
8. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Planning Commission shall, within thirty (30) days of such filing, grant such development plan final approval.
9. a. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Planning Commission may refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest.
- b. In the event of such refusal, the landowner may within any time which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance:
- (i) Refile his application for final approval without the variations object to, or
  - (ii) File a written request with the Planning Commission that it hold a public hearing on his application for final approval. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusions of the hearing, the Planning Commission shall, by official written communication, either grant final approval to the development plan or deny final approval.
- c. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.

10. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.
11. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Planning Commission and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said PRD or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.
12. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Planning Commission in writing; or, in the event the landowner shall fail to commence and carry out the PRD within one (1) year after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Borough Zoning Ordinance.

APPENDIX B

SINGLE FAMILY CLUSTER DEVELOPMENTS

B.1 PURPOSES.

- A. The purposes of the regulations contained in this Appendix is to permit, subject to final approval by the Planning Commission, a high-quality of lot layout, planning and landscaping design for single family detached residential subdivisions in the R-1, R-2 and R-3 Districts.
- B. Area and dimensional specifications are reduced under this section only as a means for residential developers to improve this feasibility of creating attractive and usable open space, preserving desirable natural features, and providing attractive and practical designs in lot layout, street alignment and building orientation.
- C. This Appendix shall not be used to permit a higher overall density than would be permitted using conventional minimum lot sizes.

B.2 SPECIAL PROVISIONS.

- A. In the case of a plan for cluster residential development which involves a tract of land not less than five (5) acres in size, the Planning Commission, subject to the additional requirements of this section, may: authorize a reduction of the minimum lot area in the districts to not less than the following minimum lot size and setting aside the following minimum open space area:

<u>Minimum conventional Lot Size</u>	<u>Minimum Cluster Lot Size</u>
12,000 sq. ft.	10,000 sq. ft.
10,000 sq. ft.	8,000 sq. ft.

- B. Permit modification of the yard and other area requirements of the district, provided that in no case shall a building be located less than twenty-five (25') feet from a street line or less than twenty (20') feet from another building.
- C. The special provisions of Section B.2.A. above shall not be used to permit a higher overall gross density than would be permitted using conventional minimum lot sizes. Open space areas resulting from the clustering technique shall be in accordance with Section B.3.B. of this Appendix.

B.3 ADDITIONAL PROVISIONS.

In addition to the above requirements, the following special regulations shall apply in any case where a plan for development is approved in accordance with the requirements of this Section:

- A. The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed within the time scheduled by the developer and mutually agreed upon between the developer and the Planning Commission.
  
- B. Areas for open space may be dedicated to the Borough if the dedication is acceptable to the Borough. The Borough shall have the final option to accept or reject dedication. If the areas for open space are not dedicated to the Borough, they may be reserved as open space in which case there shall be assurance of adequate provision for perpetual maintenance of said open space by inclusion of covenants running with the land in the deeds or other instrument of conveyance, delineating such open area in accordance with the following:
  - 1. Obligating purchasers to participate in the proper operation and maintenance of all open spaces and community facilities shall be secured by an appropriate organization with legal responsibility for the same. If the dwellings are sold, the organization may be a condominium, cooperative, a homes association, trust or other appropriate nonprofit organization of the dwelling unit owners, organized in a manner found by the Borough to be legally effective and able to carry out its maintenance and operating responsibilities. It is the intention of this Ordinance to authorize the remedies provided in Section 705 (d), (2) and (3) of the Municipalities Planning Code, 53 P.S. 10705 (d), (2) and (3) and the same are hereby incorporated by reference.
  
  - 2. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Luzerne County Recorder of Deeds Office of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and identifying the tract and lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers; provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
  
- C. All buildings and drives shall be shown for each lot.
  
- D. The tract of land shall comply with applicable provisions of the Borough's Subdivision and Land Development Ordinance.
  
- E. The tract of land shall be served by a centralized sewage disposal system and a centralized water supply system, if required by the Planning Commission.
  
- F. There shall be no direct access from individual lots onto a collector or arterial highway.

## ORDINANCE NO. 224

## AN ORDINANCE AMENDING THE CONYNGHAM BOROUGH ZONING ORDINANCE

The Council of the Borough of Conyngham hereby Ordains as follows:

(1) That Section 202, Definitions, be amended to read as follows:

Parking Space. An off street space available for the parking of one (1) motor vehicle and having a minimum of one hundred eighty (180) square feet, exclusive of driveways, passageways, and maneuvering space appurtenant thereto, and having access to a public street.

Screen. A fence or natural obstruction of sufficient height (but not less than four (4) feet high: to effectively visually obscure the area being screened from adjoining areas.

(2) That Section 702, General Regulations applying to require off street parking facilities, Subsection F.2. to be amended to read as follows:

"F.2. up to fifty (50%) percent of the parking spaces for (a) bowling alleys, theater, auditoriums, private clubs, and up to one hundred (100%) percent of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (a); provided, however, that a written agreement between the respective groups listed in (a) and (b) assuring the continued availability of such parking areas be drafted and executed by the respective businesses and reviewed by the Borough Solicitor for approval, and filed with the application for the zoning permit."

Enacted and Ordained this 15<sup>th</sup> day of November, 1995.

Borough of Conyngham

By: Jaeger Wilgus  
President of Council

ATTEST:

William S. Schuman  
Borough Secretary

Examined and approved this 30<sup>th</sup> day of November, 1995

Conrad J. Wittig  
Mayor