

**Conyngham Borough
Zoning Ordinance
2021**



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CHAPTER 1
PRELIMINARY PROVISIONS

Section 101. Short title. This ordinance shall be known and may be cited as “The Conyngham Borough Zoning Ordinance of 2021”.

Section 102. Authority. This ordinance is made and adopted under the grant of powers contained in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §§ 10101-11202.

Section 103. Purpose. This ordinance is designed to:

a. Promote, protect, and facilitate any of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; the provision of adequate light and air; access to police protection, vehicle parking and loading space, transportation, water, sewer, schools, recreational facilities, and public grounds; as well as the preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, and aquifers.

b. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

c. Prevent one or more of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic, or other dangers.

d. Provide for the use of land within the borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, as well as manufactured homes and manufactured home communities.

e. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

Section 104. Statement of community development objectives. This ordinance is intended to:

a. Adopt a zoning map dividing the borough into various zoning districts with different regulations for each district.

b. Regulate the use of land and size and placement of a building or structure on a lot through a combination of controls establishing minimum front, side and rear yard setbacks, lot size, lot width, floor area and maximum building height and coverage.

- c. Establish the maximum density and intensity of uses.
- d. Protect existing residential neighborhoods.
- e. Promote innovative residential design and encourage the creation of a sense of community.
- f. Preserve the character, appearance, and integrity of the community in keeping with the present pattern and character of development, including the small-town character of residential areas.
- g. Encourage infill development.
- h. Create a pattern of compatible and harmonious land uses, where a suitable environment may be created for residential and commercial functions.
- i. Direct the types and intensity of development in a manner that will not overburden existing public infrastructure.
- j. Preserve the character, appearance, and integrity of the community in keeping with the present pattern and character of development, including the small-town feel and character of borough.
- k. Minimize adverse impacts on existing and proposed development by implementing environmental standards.
- l. Act as an overall plan for the orderly growth and development of the borough.
- m. Implement the Conyngham Borough and Sugarloaf Township Joint Comprehensive Plan 2005-2020. The Borough recognizes that municipalities are required by the Pennsylvania Municipalities Planning Code (Pa MPC) to provide for all land uses within their boundaries, and that not providing for a particular land use can result in a zoning validity challenge on exclusionary grounds. However, a municipality is not required to provide for all land uses within its corporate boundaries if it participates in a multi-municipal plan. Section 1103(4) of the Pa MPC allows for a plan that accommodates all categories of uses within the area of the plan as opposed to requiring all uses within a participating municipality. Based upon this section of the Pa MPC, the borough participated in a multi-municipal comprehensive plan with Sugarloaf Township and is relying upon land uses within Sugarloaf Township. Given the current uses and future growth trends of the borough and its small size and unique location, some nonresidential uses are neither practical nor possible to be located within the borough. Nevertheless, the borough has included a safe harbor provision in this ordinance for the purpose of addressing uses that are not explicitly provided for in this ordinance. The provision provides that any use not otherwise addressed within the ordinance is permitted by conditional use in the MBI Zone.

n. Impose architectural standards for commercial and industrial buildings intended to promote the general welfare of the community as well as protect the value of its buildings and property while minimizing incompatible and unsightly surroundings and visual blight which prevent orderly community development. However, it is not the intent of these standards to unduly restrict design freedom or to apply a particular architectural style to all structures.

o. Adopt an ordinance consistent with the Pennsylvania Municipalities Planning Code.

Section 105. Applicability.

a. This ordinance applies to:

1. The use, change of use, or occupancy of land, buildings, and structures;
and

2. The erection, construction, alteration, placement, movement, demolition, alteration, or conversion of any building or structure.

b. This ordinance does not apply to:

1. Ordinary repairs and maintenance of existing buildings and structures such as the repair or replacement of doors, windows, siding, roofing, and interior repairs, alterations, or interior renovations of a building that do not involve enlargement in size or change of use.

2. Any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission (PUC) shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

3. Existing and proposed borough owned buildings, structures, and uses.

c. This ordinance shall be limited only to the extent preempted by the:

1. The Surface Mining Conservation and Reclamation Act.

2. The Noncoal Surface Mining Conservation and Reclamation Act.

3. The Oil and Gas Act.

4. The Bituminous Mine Subsidence and Land Conservation Act.

5. The Nutrient Management Act.
6. The Agricultural Area Security Law.

d. Any existing use, building, structure, or land which does not comply with the provisions of this ordinance, but legally existed prior to the adoption of this ordinance shall constitute a pre-existing legal nonconformity that may be continued provided it is not abandoned, expanded, relocated, changed, or restored. In the event that the nonconformity is abandoned, expanded, relocated, changed, or restored, it is regulated under this ordinance.

Section 106. Unlawful activity described. After the adoption of this ordinance, no building or structure shall be constructed, moved, placed, replaced, altered, or demolished, and no land, building or structure shall be used, occupied, or changed without first obtaining a zoning permit and complying with the provisions of this ordinance.

Section 107. Liability.

a. Any determination of the zoning officer, recommendation of any commission, or any decision of any board shall not constitute a representation, guarantee, or warranty of any kind by or on behalf of the borough, in regards to the lawfulness or safety of any structure, building, or use, and may not create any liability or cause of action against the borough or any of its elected or appointed officials, professional consultants, boards, officers, or commissions for any damage that may result from the action or inaction, determination, recommendation, or decision.

b. If the zoning officer mistakenly issues or revokes a zoning permit, neither the borough nor the zoning officer shall be liable for such action.

c. By filing an application, the applicant acknowledges disclosure of this section of the ordinance.

Section 108. Format. In referring to units of this ordinance, the section is the basic unit of organization (“Section”). The level immediately above a section is the Chapter. Chapters are numbered sequentially. The terminology for referring to units within a section is as follows:

(a) (Subsection) (lower-case letter).

(1) (Paragraph) (Arabic numeral).

(A) (Subparagraph) (upper-case letter).

(i) (Clause) (lower-case letter).

(I) (Subclause) (upper-case Roman Numeral).

Section 109. Repealer. All other ordinances, or parts thereof, which are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any such inconsistency or conflict, and specifically the Conyngham Borough Zoning Ordinance adopted July of 1994, as amended.

Section 110. Severability. In case any provision in this ordinance shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.

Section 111. Effective date. This ordinance shall become effective immediately following its adoption.

Adopted this 15th day of June, 2021.

ATTEST:

CONYNGHAM BOROUGH COUNCIL:

Manager

By: _____
President

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CHAPTER 2 DEFINITIONS

Section 201. Interpretation. The following rules of construction shall apply to the text of this ordinance:

- a. The specific shall control the general.
- b. In case of any difference of meaning or implication between the text of this ordinance and any caption, preamble or illustration, the text shall control.
- c. A building or structure includes any part thereof.
- d. Unless the context clearly indicates otherwise, where a regulation involves two or more items, provisions, or conditions connected by the conjunction “and” “or” or “either...or” the conjunction shall be interpreted as follows:
 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. “Either...or” indicates the connected items, conditions, provisions or events shall apply singly but not in combination.
- e. The singular number includes the plural and the plural the singular.
- f. The present tense includes the past and future tenses and the future the present.
- g. Words used in the masculine gender shall include the feminine and neuter.
- h. The words “shall”, “must” or “may not” are mandatory while the words “may” or “should” are permissive.
- i. The basic distinction between the terms “means” and “includes” is that “means” is exclusive” while “includes” is not.
- j. Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.
- k. Where the words in the ordinance are free from all ambiguity, the letter of the ordinance may not be disregarded under the pretext of pursuing its spirit. Words and phrases in this ordinance shall be construed in accordance with their common and accepted usage.

l. Undefined terms in this ordinance are to be construed in a sensible manner, utilizing the rules of grammar, applying their common and approved usage, and giving undefined terms their plain, ordinary meaning. Where a board needs to define an undefined term, it may consult definitions in statutes, regulations, or the dictionary for guidance.

m. In interpreting the language of the ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by borough council, in favor of the property owner and against any implied extension of the restriction. Thus, where doubt exists, the language of this ordinance should be interpreted, in favor of the landowner and against any implied extension of restrictions on the use of one's property. However, this rule of construction is inapplicable where the words of the ordinance are clear and free from any ambiguity.

n. This ordinance does not repeal, annul, modify, or in any way impair, interfere with, or supersede any private restriction placed upon property by covenant, deed, or other private agreement. The provisions of this ordinance shall be separate from the private restriction or covenant.

o. Unless otherwise provided by this ordinance or another law or ordinance:

1. Land development or subdivision approval. If a zoning application would also be regulated under the borough subdivision and land development ordinance, then any permit issued, or approval granted under this ordinance shall be a conditional approval until the plan complies with the borough subdivision and land development ordinance. However, a zoning application may be denied by the zoning officer until such time as the applicant, developer, or landowner first obtains land development or subdivision approval if such approval is required under the borough subdivision and land development ordinance.

2. Other permits. Any zoning permit or approval issued under this ordinance shall be construed as being conditioned upon the applicant, developer, or landowner obtaining all other applicable permits, including a building permit, highway occupancy permit, stormwater plan approval etc.

3. Work at own risk. After a zoning permit under this ordinance has been issued, or an approval granted, the applicant, developer, and landowner may undertake work under the permit or approval. However, the applicant, developer and landowner should wait at least 30 days from the issuance and posting of the permit, or the date of mailing of the written decision to begin work in case there is an appeal by any person requesting reversal of the permit or approval. Any construction occurring during the appeal shall be at the risk of the applicant, developer, and landowner.

p. Computation of time and references to times. Unless the law provides otherwise, the following rules shall apply to calculation of times:

1. Generally. Any time referred to in this ordinance in all cases shall be so computed as to include the first and last day of such period except when the first or last day of any such period shall fall on a Saturday, Sunday, or legal holiday.

2. Appeal period. For the purposes of calculating the time to appeal a zoning decision, the 30-day time limit for someone to appeal shall begin to run on the date of mailing the decision.

3. Reference to times. Any reference to times in this ordinance shall be local time in the eastern standard time zone.

q. Grammatical errors may not impair or destroy this ordinance and a transposition of words or sections may be corrected to give meaning to the words as written.

r. In no case shall punctuation in this ordinance affect the intent of borough council.

s. Conditions shall be construed to limit rather than to extend the operation of the sections to which they refer.

t. Exceptions expressed in this ordinance shall be construed to exclude all others.

u. Headings are for convenience only and may not be used to aid in the construction or interpretation of this ordinance.

v. Illustrations or photographs in this ordinance are meant to assist the reader in understanding certain zoning terms or requirements but are not intended to replace or supplement the text of the ordinance.

Section 202. Definitions. For purposes of this ordinance:

“Abutting” or “Abuts”- means contiguous lots that share a common lot line, including lots located directly across from one another and separated by a street or waterway. See also adjoining.

“Access”- means a way of providing ingress, egress, and regress to a lot.

“Access drive”- means an improved cartway designed and constructed to provide for vehicular movement between a public or private street and off-street parking or loading areas, buildings or uses.

“Accessory agricultural uses”- means an enterprise conducted upon, and accessory to, an active principal agricultural operation for the purpose of directly marketing agricultural products, in their natural or manufactured state, produced by the agricultural operation. The term includes any on-site processing, packaging, or other activity performed with the direct marketing of the agricultural products produced by the agricultural operation. The term also includes roadside stands, farm markets, “pick-your-own” operations, and other similar uses.

“Accessory building”- means a roofed accessory structure.

“Accessory commercial uses”- means a use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as the principal use or structure, including:

- a. Storage buildings.
- b. Uses limited to retail sales and personal services designed exclusively to serve the residents and employees of the facility, such as a barber or beauty shop, convenience retail sales, cafeteria, and banking services.
- c. Automatic transaction or teller machines (ATMs).
- d. Parking and loading facilities.
- e. Permitted signs.

“Accessory industrial uses”-means a use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as the principal use or structure including:

- a. Storage of fuels for on-site use or to fuel company vehicles.
- b. Cafeterias, day care facilities and recreational facilities for use of employees, patients, residents and families of employees and their occasional invited guests.
- c. Bus shelters and parking and ride lots.
- d. Automatic transaction or teller machines (ATMs).
- e. Storage buildings.
- f. Parking and loading facilities.
- g. Permitted signs.

“Accessory institutional uses”- means a use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or structure. Accessory institutional uses include administrative offices, classrooms, meeting rooms, conference rooms, training facilities, cooking facilities, eating facilities, and storage or equipment building.

“Accessory residential uses”-includes domestic pets, fences or walls, garage or yard sales, private garages, lawn sheds, satellite dishes, compost, and private swimming pools or ponds.

“Accessory solar energy system (ASES)”- means an area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

“Accessory structure”- means a structure not attached to but located on the same lot as the principal structure, which is used to serve a purpose customarily incidental to and subordinate to the use of the principal structure. An addition to a principal building is not an accessory building but is considered part of the principal building.

“Accessory use”- means a use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or structure.

“Accessory wind energy facility (AWEF)”- means a system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.

“Acre”- means land area consisting of 43,560 square feet.

“Addition”- means a new structure attached to an existing structure that increases the size of the existing structure whether it be upward or outward.

“Adjoining”- means a lot having a common or shared lot line with a contiguous lot, or being separated by a street, waterway, right-of-way, or easement. See also definition of adjacent.

“Adult care center”- means a use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use does not include persons who need oversight because of behavior that is criminal, violent, or related to substance abuse. This use may involve occasional overnight stays but not a primary residential use. The use involves typical stays of less than a total of 60 hours per week per person.

“Adult use”- includes:

a. **“Adult bookstore”**- means an establishment where 10 percent or more of the total retail floor area is occupied by books, magazines, periodicals, photographs, films, motion pictures, video cassettes, slides, instruments, devices, paraphernalia or things that have a clear emphasis on depicting or describing explicit sexual activities or specified anatomical areas.

b. **“Adult entertainment”**- means live entertainment where persons performing expose specified anatomical areas or display, simulate or carryout explicit sexual activities, including entertainers performing in a state of nudity (either partially or completely) or performing or dancing with “pasties” or “G-strings” or other means to cover portions of the anatomical areas of one’s body leaving other areas exposed.

c. **“Adult massage parlor”**- means an establishment where a massage is performed for some form of consideration on a person with the use of one’s hand or a mechanical device. This term does not include any type of massage therapy or treatment performed by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the state, or any accessory use to a permitted athletic or health club, educational facility, or similar establishment.

d. **“Adult movie theater”**- means a use where persons expose specified anatomical areas or display, simulate or carryout explicit sexual activities on film, motion pictures, videos, slides, or other forms of reproducing images that have an emphasis on depicting explicit sexual activities or specified anatomical areas.

“Agribusiness”- means an agricultural operation that involves one or more of the following:

a. **Concentrated Animal Feeding Operation (CAFO)**- means an agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law where the operation has greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

b. **Concentrated Animal Operation (CAO)**- means an agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of Title 3 (Agricultural) Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management) where the operation has eight or more animal equivalent units [AEUs] where the animal density exceeds two AEUs per acre on an annualized basis.

c. **Other agribusinesses**- include any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production,

which occurs within an enclosed building exceeding 10,000 square feet of gross floor area.

“Agricultural housing”- means housing for year-round and migrant or seasonal domestic farm laborers.

“Agricultural operation”- means an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aqua cultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. The term does not include an agribusiness or winery.

“Agricultural related business”- means a use primarily engaged in servicing the needs of an agricultural operation by providing goods and services needed for and supporting agricultural operations. Agricultural related businesses are limited to agricultural equipment, machinery, and other similar heavy duty motor vehicle repair, service, sales, and rentals; grain mills; processing, preparation, and retail sale of locally produced agricultural products; feed and farm supply stores and distributors; and warehousing, distribution, and wholesaling of agricultural products, supplies or equipment.

“Agritourism”- means an enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business use, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation or agri-business. Activities include hayrides, pony rides, wine tasting, cornfield-maze contests, farmer’s markets, harvest festivals, rodeos, western style equestrian events and contests including but not limited to barrel racing and steer sorting that are offered to the public or to invited groups for the purpose of recreation, entertainment, and education.

“Aisle”- means the travelled way by which vehicles enter or depart a parking space.

“Alcoholic liquors, alcohol and malt or brewed beverages”- means those types of alcoholic liquors and beverages defined in the Pennsylvania Liquor Code, 47P.S. §1-101, et seq.

“Alley”- means a public or private way affording secondary means of access to abutting property and not intended for general traffic circulation.

“Alteration”- includes any change, addition, extension, enlargement, replacement, or movement of a building or structure, walls, or columns.

“Animal day care”- means a use that involves the keeping of more than a total of five dogs, cats, or other domestic pets for temporary care a maximum of 12 hours per day.

“Animal kennel”- means a place where more than five animals are kept, housed, boarded, bred, or trained. The term includes the keeping of more than five dogs or cats or a combination of dogs or cats.

“Antenna”- means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

“Applicant”- means a landowner, developer, or authorized agent of a landowner or developer, who has filed a zoning application with the zoning officer under the zoning ordinance.

“Assisted living residence”- means any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self- administration intended to allow the individual to age in place. An assisted living residence is licensed by the state with or without a special care unit designation.

“Attic”- means the area found between the eave and ridge of a roof above the ceiling of the top floor of the building. An attic is an awkwardly shaped space with exposed rafters and difficult-to-reach corners and is not considered in total or gross floor area.

“Auditorium”- includes arenas, conference centers, performing arts centers, and places where exhibitions or trade shows are held.

“Automobile parking lot”- means a lot or structure where the parking of automobiles is the principal use.

“Automobile repair garage”- means an establishment where “Major automobile repairs” and “Minor automobile repairs” are made.

“Automobile sales”- means the use of any building, structure, or land for the outdoor or indoor display, sale or rental of automobiles, recreational vehicles, boats, motorcycles, trucks, trailers, mobile, manufactured, or modular homes. This term may include repairs as an accessory use provided that the requirements for an automobile repair garage area also met. The term does not include a manufactured home community or junk yard.

“Automobile service station”- means an establishment where gasoline or other petroleum products are sold, or “Minor automobile repairs” are performed.

a. **“Automobile”**- means a motor vehicle, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle, or similar means of transportation powered by an engine or other mechanized means and designed to operate and carry persons or cargo on public streets. See also the definition of “motor vehicle”.

b. **“Major automobile repair”**- includes general repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles and an impoundment area; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses; and performing state inspection and emission testing and performing repairs to pass inspections.

c. **“Minor automobile repair”**- means repairs other than major automobile repairs limited to oil changes, tune-ups, tire changing, servicing of spark plugs and batteries, adjustment of brakes, greasing, lubrication, radiator cleaning and flushing, replacement of mufflers, tail pipes, hoses, belts, lights, brakes and transmission and radiator fluids, wipers and emergency wiring repairs, and the installation of automobile radios and electric car starters.

“Automobile storage yard”- includes the dismantling or wrecking of automobiles, motor vehicles, trailers, or parts thereof; the storage or accumulation of any junk; the storage of four or more junk vehicles; or four or more motor vehicles from which parts have been or are to be removed for reuse or sale. The term includes junk or salvage yard, but automobile but not the shredding of vehicles or industrial shredding.

“Bank or Financial institution”- means an establishment primarily involved with loans and monetary transactions with routine public interaction such as a bank or lending institution regulated by FIDC.

“Banquet hall”- means an establishment whether it be a barn or other type of building which is rented by individuals or groups to accommodate private functions, including banquets, weddings, anniversaries, and other similar celebrations. Such a use may include kitchen facilities for the preparation or catering of food, and the furnishing of alcoholic liquor or beverages for on-premises consumption during scheduled event.

“Bar”- means an establishment used primarily for the sale or dispensing of alcoholic liquor and beverages, which may have live entertainment and food as secondary uses. The term does not include a tavern.

“Basement”- means a portion of a building that is partly or completely below grade or underground with a clearance from floor to ceiling of less than six and one-half feet. When a basement has head clearance of more than six and one-half feet, then the floor shall be included in the total or gross floor calculation.

“Beauty salon or barber shop”- means establishments primarily engaged in providing services generally involved in the care of the person including hair, nails, and tanning. The term does not include body piercing or tattooing services.

“Bed and breakfast”- means an owner-occupied dwelling containing not more than eight units which are rented on a nightly basis for periods of not more than 30 days per year. Dining and other facilities are not open to the public but are exclusively used for the registered guests. The rooms do not have separate cooking facilities but are to be a part of the principal structure.

“Bee keeping”- means the raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

“Betting use”- means a use licensed by any authorized governmental agency wherein gambling activities are conducted such as off-track horseracing betting establishments and mini casinos. The term does not regulate state lottery sales or lawful small games of chances.

“Boarding or rooming house”- means a residential building or portion thereof containing dwelling units rented for habitation for a specified time-period of more than five days, or on a week to week, month to month, or year to year basis, with the occupants of the units being non-transient, and utilizing the location as their domicile. If the boarding house includes six or more units, an on- site manager shall be provided, who is not a temporary boarder. The term does not include a dwelling unit, hotel or motel, personal care home, nursing home, assisted living residence, bed and breakfast, dormitory, group home, or institutional group home. The term may or may not involve providing meals to residents or providing shared cooking facilities.

“Borough”- means Conyngham Borough, Luzerne County, Pennsylvania.

“Borough council”- means Conyngham Borough Council, Luzerne County, Pennsylvania.

“Borough engineer”-means the appointed engineer for Conyngham Borough.

“Borough solicitor”- means the appointed solicitor or firm for Conyngham Borough Council.

“Bottle club” or “BYOB club”- means an establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term does not include a licensee under

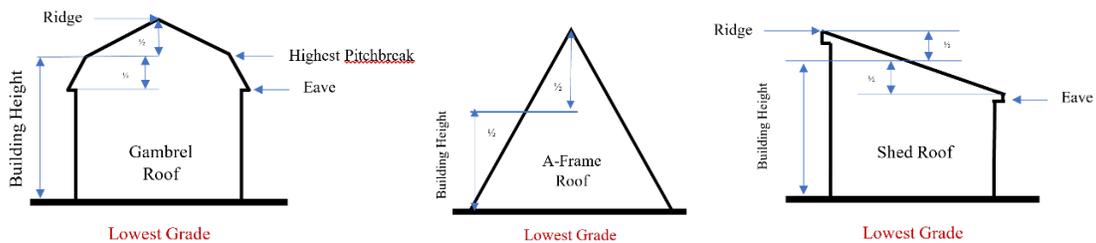
the Pennsylvania Liquor Code, or any organization as set forth in Section 6 (or any subsequent section) of the Solicitation of Funds for Charitable Purposes Act.

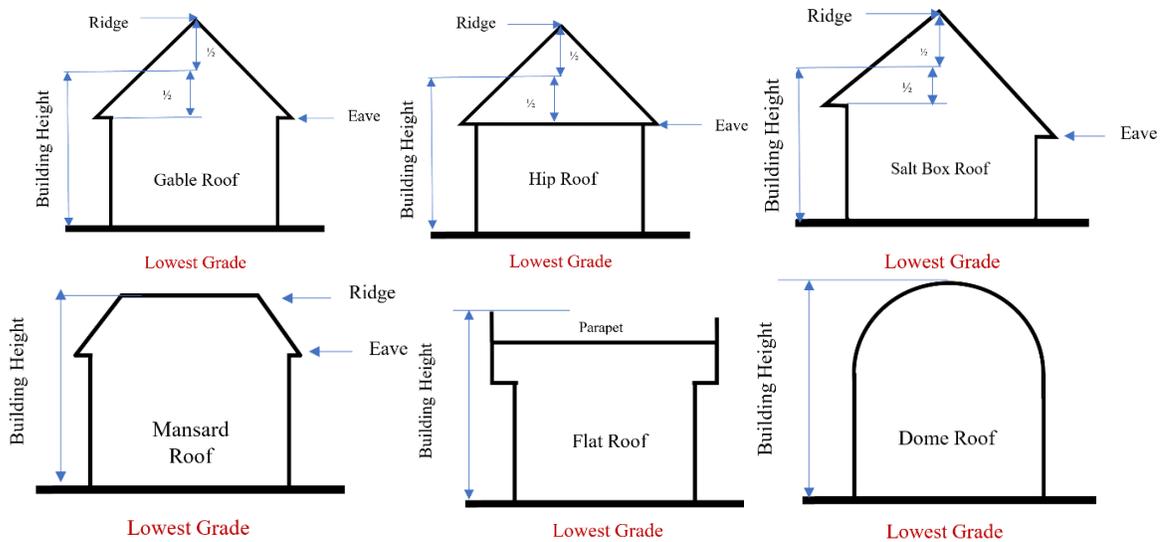
“Buffer”- means a strip of land separating one use from another use, where no structures, buildings, parking spaces, loading zones, and storage areas are located unless otherwise permitted under this ordinance. However, a buffer may be considered part of a minimum setback distance.

“Building”- means any roofed structure intended to shelter, house, or enclose persons, animals, or property. A building includes an addition or “part thereof”. Any structure having a roof attached to it shall be considered a building.

“Building coverage”- means the total combined area of outside dimensions at ground level of the principal building and all accessory buildings. Percentage of building area or coverage is calculated by dividing the maximum horizontal area in square feet of all principal and accessory buildings covered by a permanent roof on a lot by the total lot area of the lot upon which the buildings are located.

“Building height, maximum”- means the vertical height from lowest grade to the highest midpoint elevation of a roof from its highest ridge to its lowest corresponding eave for gambrel, a-frame, shed, gable, hip, and salt box roofs; and the vertical height from lowest grade to the highest elevation of mansard, flat, and dome roofs, including any parapet. Lowest grade for purposes of calculating maximum building height means the elevation at the lowest exposed point of the building exterior or foundation. The following illustrates the basic rules for calculating building height:





“Building setback line”- means the actual distance between the closest part of a building including roof overhangs but excluding exceptions to yard requirements under this ordinance and in the case of a:

- a. Front yard, all adjoining street right-of-way lines.
- b. Side yard, all side lot lines.
- c. Rear yard, all rear lot lines.

“Bulk fuel storage and sales”- means the storage of fuel beyond what is reasonably necessary for customary on-site use. This use includes the storage of fuel to be sold for off-site use.

“Campground or recreational vehicle park”- means any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes. Accessory uses include a general store, bathrooms, and private recreational facilities for transient customers staying in the campground or park.

“Car wash”- means a building where automobiles are cleaned mechanically, using a conveyor, sprayer, blower, steam-cleaning equipment, or other device. The use also includes a place where motor vehicles may be cleaned, washed, or waxed with the use of a machine or by hand.

“Carport”- means any roofed accessory structure opened on one or more sides and used for the storage of private or personal motor vehicles.

“Cartway”- means the surface of a street intended and available for use by

vehicular traffic.

“Cemetery”- means a place where humans or animals are buried or interred. This term includes mortuaries and mausoleums, but not crematoriums.

“Certificate of zoning compliance”- means an official document issued by the zoning officer confirming that a structure, building, or use for which a zoning permit is required under this ordinance. This certificate authorizes the use or occupancy of a structure.

“Change of use”- means any use, which differs from the previous use of a building, structure, or land.

“Check cashing business”- means an establishment engaged primarily in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term does not include any of the following:

- a. A state or federally chartered bank, savings association, credit union, or industrial loan association.
- b. A retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.
- c. A financial institution or bank as the term is defined under this ordinance.

“Childcare”- means a use involving the supervised care of children under age 18 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school.

“Childcare center”- means a facility licensed by the Pennsylvania Department of Human Services (DHS) in which seven or more children under the age of 16 unrelated to the operator receive childcare services outside of their homes primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs such as “Head Start”. The following three types of childcare uses are not a childcare center and are permitted by right without regulation under this Ordinance:

- a. Care of up to six children by their own “relatives”.
- b. Care of children within a place of worship during regularly scheduled religious services.

c. Care of up to three children within any dwelling unit, in addition to children who are “relatives” of the care giver.

“Clear sight triangle”- means an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the corner to not interfere with traffic visibility across the corner.

“Club”- means a building primarily used for non-profit social, educational, or recreational purposes. A club does not include any use where services or goods are sold primarily as a business or for a profit such as a night club or bottle club.

“College, university, trade or private boarding school”- means an institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A boarding school is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

“Collocate”- means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a pole or wireless support structure. “Collocation” has a corresponding meaning.

“Collocation”- means the placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the borough.

“Commercial use”- means a use that is carried on for profit by the owner, lessee, or licensee.

“Commercially Reasonable”- means terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a 50-mile radius of the borough.

“Communications service provider”- means a cable operator, as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a Wireless Provider.

“Community center”- means a use existing solely to provide social, and recreational programs and activities to the public or a designated group of persons in a community. This use does not include a group home or institutional group home.

“Compost”- means the conversion of organic matter, such as yard waste, into fertilizer.

“Conditional use”- means a use permitted in a zoning district by approval of borough council under the applicable provisions of the ordinance. The use will find classification under the heading “C” for the zoning district in which the property is located.

“Conspicuous” or “conspicuously”- means posting a notice or permit to make the public aware of the notice or permit, the intended work or use to be conducted on a property, or the date, time, place, and purpose of a hearing in a manner which a reasonable person would not believe they were trespassing while viewing it.

“Construction”- means the placement of materials and equipment in a defined area to be assembled, built, applied, or demolished in a temporary or permanent manner.

“Contractor storage yard”- includes any lot or structure, or part thereof, used to store materials used by a contractor in a construction trade such as the building, construction or installation of a street, or structure or the parts of a structure (electrical, plumbing etc.). This term includes construction contractors, excavators, paving contractors, landscapers, and other similar construction trades.

“Convenience store”- means any retail establishment less than 10,000 square feet and offering for sale prepackaged food products, household items, and other goods commonly associated with a convenience store. The sale of gasoline or fuel products is only permitted when specified in this zoning ordinance as permitted a “convenience store with gas station”.

“Conversion” or “Converted”- means to change or adapt improved property to a use, occupancy, or purpose other than what was intended at its time of construction.

“County”- means Luzerne County, Pennsylvania.

“County planning commission”- means the Luzerne County Planning Commission.

“Crematorium”- means a facility equipped with a furnace where corpses are burned and reduced to ashes. The term also includes a cremation chamber or crematory furnace, which is an enclosed chamber in which heat is produced to heat buildings, destroy refuse, smelt or refine ores.

“Dance, gymnastic or martial arts studio”- means a building or portion of a building used as a place for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

“Data collection unit (DCU)”- means these are utilized primarily by electric utility providers. DCU communicate with smart meters to obtain meter readings, restore outages, and improve operational control.

“Decision”- means a final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions are appealable to the Court of Common Pleas of Luzerne County.

“Density”- means the total number of dwelling units permitted on a lot typically measured per acre.

“Department of Health (DOH)”- means the Pennsylvania Department of Health.

“Department of Human Services (DHS)”- means the Pennsylvania Department of Human Services.

“Determination”- means a final action by the zoning officer charged with the administration of this ordinance, except the governing body, zoning hearing board and municipal planning commission, only if and to the extent the municipal planning commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance. Determinations may be appealed only to the boards designated as having jurisdiction for such appeal.

“Developer”- includes a person who buys or develops buildings and land for profit.

“Development”- means any man-made change to improved or unimproved land, including but not limited to buildings or other structures.

“Dimensional regulations or requirements”- means the measurements or dimensions applicable to a building, structure or use based upon the zoning district in which the lot is located. Dimensional regulations or requirements include minimum front, side and rear yard setbacks; minimum lot area; minimum lot width; minimum floor area; maximum height; and maximum building coverage.

“Distributed antenna systems (DAS)”- means network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

“Domestic farm laborer”- means a person who receives a portion of his/her income from farm labor employment. This definition may include the immediate family members residing with such a person.

“Domestic pets”- means a dog, cat, rabbit, gerbil, lizard, parrot, or other animal normally or ordinarily kept in the dwelling of its owner or under the control of its owner. This term does not include agricultural animals such as cows, goats, horses, chickens, hens, roosters, hogs, or sheep, and exotic or wild animals including wolves, wolf-dog hybrids, tigers, lions, bears and venomous or constrictor snakes.

“Dormitory”- means a building used as living quarters for the exclusive use of bona-fide-full-time faculty or student of an accredited college or university or primary or secondary school, which is owned by and on the same lot as the college, university or school.

“Drive thru”- means an establishment which by design, physical facilities or service encourages or permits customers to receive or purchase services or goods while remaining in their vehicles. The use for purposes of this ordinance is considered an accessory use to a permitted use provided it meets the requirements of this ordinance, where depending on the zoning district may require special exception approval from the zoning hearing board.

“Driveways”- means every entrance or exit used by vehicular traffic to or from properties abutting a road. The term includes existing and proposed streets, lanes, alleys, courts, and ways.

“Dwelling Types”- includes the following:

a. **“Single-family”**- means a residential building containing one dwelling unit to accommodate one family.

b. **“Two family”**- means a residential building containing two dwelling units each accommodating one family, and entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter or exit the building or for access to a common cellar or basement. The term two-family includes twins (side by side-units connected by a common wall) and duplexes (up and down-one unit above the other).

c. **“Multi-family”**- means a residential building containing three or more dwelling units each accommodating one family. The term includes an apartment building, condominiums, townhouses, and rowhomes when each building contains more than two unit.

d. **“Apartment building”**- means a multi-family residential unit constructed as a single building containing three or more single-family residential dwelling units.

e. **“Condominiums”**- means a set of individual dwelling units or other areas of buildings, each owned by a person in fee simple, with such owner assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or the Pennsylvania Planned Community Act of 1996, as amended. The term is considered a multi-family dwelling unit or use for purposes of this zoning ordinance.

f. **“Townhouses”**- means one dwelling unit that is attached to two or more dwelling units in a row, and with each dwelling unit being completely separated from and

attached to each other by unpierced vertical fire-resistant walls and each having their own outside access with sidewalls being adjacent to each end unit.

g. **“Rowhomes”**- means a series of dwelling units connected by common side walls and forming a continuous group.

“See Photographs of Dwelling Types”:



Single-Family Dwelling



Two-Family Dwelling (Twin)



Two-Family Dwelling (Duplex)



Multi-Family Dwelling (Apartment Building)



Multi-Family Dwelling (Townhouses or Rowhouses)

NOTE: Dwelling types for purposes of this ordinance includes modular homes but does not include manufactured or mobile homes and manufactured home communities or mobile home parks, as manufactured or mobile homes and manufactured communities and mobile home parks are listed as a separate dwelling type under this ordinance.

“Dwelling unit”- means a building or portion of a building arranged or designed to create an independent housekeeping establishment for occupancy by one family with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein. The term excludes manufactured or mobile homes but includes modular homes.

“Earth disturbance”- means a construction or other human activity which disturbs the surface of the land, including grubbing, grading, excavations, embankments, road maintenance, building construction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. The clearing of vegetation without disturbance of the land shall not be considered an earth disturbance activity.

“Easement”- means a right of use over property of another, or an interest which one has in the land of another. This right may be limited or unlimited depending on the grant. For purposes of this ordinance, an easement should be commonly referred to as and considered a “street” for use of the owners of the burden and benefitted properties unless the easement agreement provides otherwise.

“Electricity building”- means a building or use devoted to the creation, storage, conversion, distribution, or transmission of electrical energy for use at another location.

“Emergency”- means a condition that constitutes a clear and immediate danger to the health, welfare, or safety of the public, or has caused or is likely to cause facilities to be unusable and result in loss of the services provided.

“Emergency services”- means a building used for the housing of fire, emergency medical, or police vehicles, personnel and equipment and related offices and activities.

“Environmentally sensitive areas”- means areas limited to parts of a property that contain steep slopes, ponds, lakes, streams, stream corridors, springs, wetlands, hydric soils, prime farm- land soils, highly erodible lands, vernal pools, floodplains, riparian buffer areas, significant stands of native, mature trees, existing wellhead protection areas, aquifer recharge areas, and geologic fractures.

"Essential services"- means public utility and municipal authority uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services include the following and closely similar facilities: sanitary sewage lines, streets, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, streetlights, and traffic signals. Essential services do not include a central sewage treatment plant, a solid waste facility, communications towers and antennas, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

"Essential services, enclosed”- means permanent buildings or storage areas associated with essential services.

“Essential services, open”- means essential public utility services limited to underground or overhead sanitary sewage lines, streets and lights, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, and traffic signals.

“Establishment”- means a place where a business is carried on.

“EV charging station”- means an electric vehicle charging station that supplies electric energy for the recharging of plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

“Eve, roof”- means the lower border of a roof that overhangs the wall.

“Exotic animals”- means any animal of a species prohibited by federal law or regulation, or otherwise controlled by the Commonwealth of Pennsylvania. The terms include any animal, which is wild, fierce, dangerous, noxious, or naturally inclined to do harm, is native to a foreign country or of foreign origin or character and not native to the United States or introduced from abroad. This term specifically includes animals such as, but not limited to, venomous frogs, toads, and turtles; grizzly, brown, and black bears; lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, and wild cats; alligators, caimans, crocodiles, and gavials; wolf, fox, coyote, dingo or other offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, and any dog which bites, inflicts injury, assaults or otherwise attacks a human being or other animal without provocation, or any dog deemed a dangerous dog under Pennsylvania Law; wild or domesticated swine, excluding certified Vietnamese potbellied pigs; porcupines, and skunks; raccoons and civets; venomous and constricting snakes (boa

constrictors, pythons, etc.) and venomous lizards; venomous spiders and scorpions; and weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, excluding domesticated ferrets.

“Explicit sexual activities”- includes the fondling or erotic touching of human genitals, private parts, buttocks, anus, or breasts and simulated or actual sexual acts, such as intercourse, oral copulation, sodomy, and masturbation.

“Family”- means one or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.

“Family childcare homes”- means a type of day care facility registered with the Pennsylvania Department of Human Services (DHS) in which four to six children who are unrelated to the operator receive childcare services within a dwelling unit as an accessory use.

“Farmer’s market”- means an area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition also includes the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items.

“Feed store”- means an establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

“Fence”- means a structure constructed as a line of demarcation or barrier made of materials to enclose or screen areas of land.

“Fiber optic switch facility”- means a use that includes a building housing a generator or other equipment used in times of power outage or to improve processing speeds from data running along a backbone or right-of-way. If the use involves an antennae or tower then the use will be considered a communications antenna or facility, small wireless.

“Fire escape”- means a set of stairs, constructed of durable, non-flammable metal, which is constructed on the exterior of a multi-story building to provide a secondary means of egress in the event of a fire or other emergency.

“Fitness club or Health Spa”- means a building in which facilities are provided for recreational athletic for body building, yoga and exercise related classes and relaxation activities with the use of a hot tub, spa, sauna, or solarium.

“Flea market”- means retail sale uses where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis, including indoor and outdoor displays of merchandise. The term flea market does not include wholesale sales establishments or rental services establishments, but shall include personal services and retail sales establishments, food services, and auctions.

“Flicker”- means a repeating cycle or changing light intensity.

“Floor area”- means for purposes of calculating minimum floor area (measured in square feet) the total or gross area of all floors in a building measured by exterior wall dimensions, including stairwells, elevator shafts, and attached garages, but excluding the attic and basement.

“Floral shop”- means a building or part of a building used for the purpose of selling and delivering flowers and floral arrangements.

“Food truck”- means a mobile vehicle which is used to sell food, beverages, or other goods, and having a stationary location on land at any given time. The term includes a vehicle, vending or pushcart, or mobile food facility.

“Forestry”- means the cultivation, cutting, or removal of trees for sale or for processing into wood products such as lumber. The term includes, but is not limited to, the planting, cultivating, harvesting, transporting, and selling of trees or other forest products for commercial purposes. The term includes logging but excludes sawmills.

“Frontage”- means a property line the length of which abuts a street or proposed street, the front lot line.

“Funeral home”- means a building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets and other related funeral supplies and the storage of funeral vehicles. This term does not include crematorium.

“Furniture restoration”- means a workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

“Garage, private”- means a building or structure for the private use of the owner or occupant of a principal building situated on the same lot for the storage of motor vehicles used or owned by the owner or occupant with no commercial facilities for mechanical service or repair.

“Garage sale”- means the accessory and temporary use of a lot upon which a dwelling unit is located for the occasional sale or auction of common household goods, furniture and items generated from the dwelling unit located on the lot. Any sale occurring more than six times in any given year shall be considered a retail sales establishment.

“Garden center”- means the use of land, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishing and supplies.

“Gas pumps”- means any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

“Gas station”- means a place where gasoline, diesel, or fuel is sold for vehicles.

“General office”- means a building or portion of a building, where services are performed involving administrative, clerical, or similar type operations, or where services are offered such as bookkeeping, a tax preparation, payroll services, contractor’s office with limited display areas and no contractor’s storage yard or outdoor storage, insurance agency and other similar type services. The term does not include any personal service establishment or a use that is specifically designated as a separate use such as a check cashing business.

“Glare”- means a sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility, or ability to focus, or direct or indirect light from a use greater than one-half foot candle at habitable levels.

“Golf course”- means land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition includes clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

“Governing body”- means borough council of Conyngham Borough, Luzerne County, Pennsylvania.

“Government use”- means a public building or land owned or operated by local, state, or federal government for such uses as a library, courthouse, employment office, post office, administrative, cultural, or service building, or other use for governmental administration excluding public land, buildings and structures primarily devoted to the storage and maintenance of equipment and materials.

“Gravel”- means a surface such as crushed stone that is impervious when the intended use of the stone is for transportation purposes, parking areas, construction areas, trails, or if the gravel is compacted at any time during or after its placement. Landscaping stone is not considered impervious area.

“Greenhouse”- means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse but are sold directly from such lot at wholesale or retail.

“Grocery store”- means a retail establishment offering for sale prepackaged food products, household items, and other goods with a sale area of more than 10,000 square feet with or without the accessory retail sale of gasoline or fuel products. A store under 10,000 square feet is considered a convenience store.

“Gross or total floor area”- means the floor area (measured in square feet) of all floors in a building measured by exterior wall dimensions, including stairwells, elevator shafts, and attached garages, but excluding the attic and basement. For example, a one-story building with exterior walls dimensions of 100' x 100' would have a gross floor area of 10,000 square feet.

“Ground Clearance”- means the minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

“Group childcare home”-means a facility licensed by the Pennsylvania Department of Human Services (DHS) in which between seven to 12 children unrelated to the operator receive childcare services within a dwelling unit.

“Grower and processor of medical marijuana”- means a person, who holds a permit from the DOH to grow and process medical marijuana.

“Halfway house”- means a residential facility housing a maximum of 10 persons who receive therapy and counseling under the supervision and constraints of alternatives to imprisonment, including pre-release, work release, restitution, or probationary programs or a non-residential facility involving similar types of programs. The purpose of a halfway house is primarily to provide supervision, rehabilitation, and counseling to mainstream people back into society, enabling them to live independently.

“Handicap” or “Handicapped”- means a person:

- a. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
- b. Having a record of having such an impairment; or
- c. Being regarded as having such an impairment. However, handicapped does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802), or a person whose residency would constitute a direct threat to the health and safety of other individuals.

“Hazardous substances or materials”- includes any material or substance that is stored or used in quantities that may cause, or significantly contribute to, an increase in mortality or an

increase in a serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. This term also includes the list of extremely hazardous substances set forth in 29 Code of Federal Regulations Part 355 or any successor provisions.

“Health care campus”- means the use of a property for a combination of health care related uses such as a hospital, hospice, health care outpatient facility, health care educational facility, health care office, wellness and fitness center, health care residential facility, adult and childcare centers intended to serve family members of patients, staff, physicians, students and visitors to the health care campus, and health care commercial facilities, and health care accessory related facilities. The term excludes rehabilitation and treatment facilities.

“Hemp”- means the plant *cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry-weight basis. The term includes industrial hemp.

“Highway occupancy permit”- means a state, county or local governmental permit depending on the ownership of the street, which, when issued, authorizes connection of a driveway to a street for access from the lot to that street.

“Home occupation”- means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit, which, when permitted, does not alter the residential characteristics of the neighborhood. The inability of the proposed use to meet the space limitations or the other requirements for a home occupation under this ordinance shall conclusively establish that such use was not intended to be a home occupation as defined herein.

“Homeless shelter”- means a residential use offering living or sleeping accommodations without any fee to individuals and families who are homeless, as defined in the Federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009.

“Hookah”- includes a tobacco pipe with a long, flexible tube that draws the smoke through water contained in a bowl.

“Hookah lounge”- means an establishment where patrons share from a communal hookah which is placed at each table. The term also includes a place where vapes or smoking occurs on premises for a business purpose.

“Hospital” means a use involving the diagnosis, treatment or other medical care of humans that may include providing 24-hour emergency service; overnight care of patients; medical research and training; and rehabilitation to patients. A hospital may involve observation, diagnosis, treatment, rehabilitation, or other care for medical, dental, or mental health, but shall not include housing of the criminally insane. A hospital may also involve medical research and

training for health care professions. A hospital shall meet all relevant licensing requirements of the Commonwealth of Pennsylvania. This term does not include a medical use basically comprised of professional offices for the examination and treatment of persons as outpatients by physicians, dentists, or other licensed medical specialists, as it is considered a professional office for purposes of this ordinance. The term also excludes rehabilitation and treatment facilities.

“Hotel”- means a building offering transient lodging accommodations on a daily rate to the public. The building may provide additional services, such as restaurants, meeting rooms, and recreational facilities. See also “Motel”.

“Hub height”- means the distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.

“Impervious surface” or “Impervious coverage” or “Impervious area”- means a permanent surface that prevents the infiltration of water into the ground. Impervious surfaces include, buildings, structures, streets, sidewalks, pavements, parking lots, driveways, roofs, stone and gravel areas, and patios. See also the definition of “Gravel”.

“Improvement”- means any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including grading, paving, the placement of stormwater management facilities, sidewalks, street signs, traffic control devices, and monuments. This word excludes grading or tilling of soil.

“Industrial, heavy”- means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term does not include any manufacturing or industrial use that is specifically designated as a separate use such as light industrial.

“Industrial hemp production”- means the making or manufacturing of hemp into a product, including food (such as oil, supplement, birdseed, protein flour etc.), fibers (such as textiles, clothes, shoes), fuel, industrial textiles, and products (such as rope, nets, carpet, tarps, paper, building materials etc.), and personal care products (such as soap, beauty products etc.). The term includes the grinding of hemp into flour; the pressing of hemp into seed oil for the manufacturing of products such as personal care products; the taking of the fiber strings running the length of the hemp stalk for the manufacturing of such things as clothing, paper, and other applications; and the taking of the core of the stalk, the inner hurd, a soft cellulose vein running the length of the plant to manufacture such things as insulation and paper. This term does not include the growing, harvesting, and processing (cutting, drying, shredding, or packaging) of the hemp plant.

“Industrial, light”- means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The term does not include any manufacturing or industrial use that is specifically designated as a separate use such as heavy industrial.

“Infill development”- means to provide exceptions or deviations to yard and lot size requirements to allow new buildings or additions to existing buildings to be similar in developed areas of the borough.

“Institutional group home”- means a use that meets the definition of a group home but that includes a higher number of residents than is permitted as a group home.

“Invasive plant species of Pennsylvania”- means plants that displace naturally occurring native vegetation and, in the process, upset nature’s balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are:

a. **Trees:** Acer platanoides, commonly known as Norway Maple; Acer pseudoplatanus commonly known as Sycamore Maple; Allanthus altissima commonly known as Tree-of-Heaven; Elaeagnus angustifolia commonly known as Russian Olive; Populus Alba commonly known as White Poplar; Ulmus pumila commonly known as Siberian Elm; Viburnum lantana commonly known as Wayfaring Tree.

b. **Shrubs, vines and groundcovers:** Alliaria petiolata commonly known as Garlic Mustard; Berberis thunbergii, commonly known as Japanese Barberry; Cannabis sativa commonly known as Marijuana; Carduus nutans commonly known as Nodding Thistle; Cirsium arvense commonly known as Canadian Thistle; Cirsium vulgare commonly known as Bull Thistle; Datura stramonium commonly known as Jimsonweed; Elaeagnus umbellaa, Autumn Olive; Euonymus alatus, commonly known as Winged Euonymus; Galega officinalis commonly known as Goatsrue; Heracleum mantegazzianum commonly known as Giant Hogweed; Ligustrum vulgara, commonly known as European Privet; Lonicera japonica, commonly known as Japanese Honeysuckle; Lonicera maacki, commonly known as Amur Honeysuckle; Lonicera morrowil, commonly known as Morrow’s Honeysuckle; Lonicera tatarica, commonly known as Tartarian Honeysuckle; Lonicera x-bella, commonly known as Hybrid Honeysuckle; Lythrum salicaria, commonly known as Purple Loosestrife (herbaceous); Microstegium vimineum commonly known as Japanese Stiltgrass; Morus Alba, commonly known as White Mulberry; Morus rubra, commonly known as Red Mulberry; Phyllostachys, commonly known as aubea Bamboo; Ploygonum perfoliatum commonly known as Mile-A-Minute Vine; Pueraria lobata commonly known as Kudzu-vine; Rhamnus cathartica, commonly known as Common Buckthorn; Rhamnus franguia,

commonly known as Glossy Buckthorn; *Rosa multiflora*, commonly known as Multiflora Rose; *Sorghum bicolor* commonly known as Shattercane; *Sorghum halepense* commonly known as Johnson Grass; and *Viburnum opulus*, commonly known as European Highbush Cranberry.

“Jewelry Store”- means the retail sale and service of jewelry to the public, including sales of precious stones, gems, precious metals, gold, silver, clocks, or watches. Repair services or setting, custom design or manufacture of individual pieces of jewelry may also be provided.

“Junk”- means any discarded or salvageable material or article, including scrap metal, paper, machinery, equipment, rags, glass, appliances, furniture, rubber, motor vehicles, and any parts of motor vehicles.

“Junk or salvage yard”- includes the dismantling or wrecking of automobiles, motor vehicles, trailers, or parts thereof; the storage or accumulation of any junk; the storage of four or more junk vehicles; or four or more motor vehicles from which parts have been or are to be removed for reuse or sale. The term includes automobile wrecking yards and automobile salvage yards but not the shredding of vehicles or industrial shredding.

“Junk vehicle”- includes any vehicle unable to move under its own power or is unlicensed or unregistered and contains one or more physical defects or characteristics such as a broken windshield, missing or flat tires, missing body parts, body parts that are rusted or have sharp edges, exposed battery acid, leaking gasoline or fluids, and other defects or characteristics which could threaten the public health, safety, and welfare.

“Laboratory”- means a non-retail sales and services use intended or primarily suitable for scientific research as opposed to a heavy or light industrial use. Examples of laboratories include chemistry, biochemistry, analytical, engineering, development, biological, support, quality control/assurance and core laboratories.

“Land”- includes lot, plot, parcel, and property.

“Landings”- means stairways that may be erected on the exterior of a building, where such facilities are not required to meet the fire code standards or other safety standards.

“Landowner”, “Property owner”, or “Owner”- means the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether such option or contract is subject to any condition), a lessee authorized under a lease to exercise the rights of the landowner, an authorized officer or member of a partnership, corporation or company, or any other person having a proprietary or equitable interest in land or a building.

“Large vehicles”-includes an Articulated Bus, Combination, Construction Truck, Driveaway-towaway Operation, Farm Equipment, Full Trailer, House Trailer, Limousine, Maxi-cube Vehicle, Mobile Home, Motor Carrier Vehicle, Motor Home, Recreational Trailer,

Semitrailer, Stinger-steered Automobile or Boat Transporter or Boat, Tow Dolly, Trailer, Truck-camper, and Truck Tractor.

a. **“Articulated bus”**- means a bus designed to transport passengers and on which passengers are authorized to be transported, consisting of two or more units or sections permanently assembled in tandem by flexible connections which permit passenger movement throughout the length of the bus.

b. **“Bus”**- means a motor vehicle designed to transport 16 or more passengers, including the driver; or a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

c. **“Combination”**- means two or more vehicles physically interconnected in tandem.

d. **“Construction truck”**- means a three or four axle truck engaged in construction operations.

e. **“Driveway-towaway operation”**-means any operation in which any motor vehicle, trailer, or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during transportation, whether the vehicle furnished the motive power.

f. **“Farm equipment”**- means a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest, or apply soil nutrients, fertilizers, or chemicals.

g. **“Full trailer”**- means a trailer so constructed that no part of its weight rests upon the towing vehicle. A semitrailer attached to a towing vehicle by means of an auxiliary front axle or dolly shall be deemed to be a full trailer.

h. **“House trailer”**- means a trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or a trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, but which is used permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

i. **“Limousine”**- means a motor vehicle designed for or capable of carrying ten or more passengers, exclusive of the driver, and used for the transportation of persons for compensation.

j. **“Maxi-cube vehicle”**- means a combination. The truck may have either a detachable or permanently attached cargo box. The cargo box on the trailer shall be designed such that the truck may be loaded and unloaded through the trailer. Neither cargo box shall exceed 34 feet in length, and the overall length of the combination shall not exceed 65 feet.

k. **“Mobile home”**- means a trailer designed and used exclusively for living quarters or commercial purposes and is only incidentally operated on a highway.

l. **“Motor carrier vehicle”**- means a truck, truck tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more; or a truck, truck tractor or combination engaged in interstate commerce and having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 10,001 pounds or more.

m. **“Motor home”**- means a motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

n. **“Recreational trailer”**- means a trailer designed or adapted and used exclusively for recreational purposes.

o. **“Semitrailer”**- means a trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.

p. **“Stinger-steered automobile or boat transporter”**- means a truck tractor-semitrailer combination of a total length not greater than 75 feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

q. **“Tow dolly”**- means a trailer designed and used exclusively to tow another vehicle by mounting its front or rear wheels on the tow dolly while the other wheels of the towed vehicle remain in contact with the ground.

r. **“Trailer”**- means a vehicle designed to be towed by a motor vehicle.

s. **“Truck-camper”**- means a structure designed, used, or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space.

t. **“Truck tractor”**- means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Laundromat”- means a self-service business in which patrons clean, or dry clean dry articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers, and other fabric items in machines for a fee.

“Limited winery”- means a winery that produces less than 200,000 gallons per year of alcoholic ciders, wines, meads, wine coolers and fermented fruit beverages with a limited winery state license issued by the Pennsylvania Liquor Control Board (LCB). A limited winery is permitted to sell wine and food for consumption on or off the licensed premises subject to state licensing requirements. A limited winery may also acquire a direct wine shipper license from the LCB, which allows it to accept orders by mail, telephone and the internet and ship their products to individual consumers.

“Loading space”- means an off-street space or area having direct usable access to a street or alley suitable for the loading or unloading of goods for shipment without the use of a street, right-of-way, or parking space.

“Lot”- means a piece or parcel of land established (lot of record) by a plat, subdivision, or as otherwise permitted by law, to be used, developed, or built on as a unit occupied or intended to be occupied by a building, structure or use and having frontage on a public or private street. The area and depth of a lot shall be measured to the legal right-of-way line of the street. The word lot includes plot, parcel, land, and property.

“Lot area”- means the area contained within the lot lines of a lot, excluding any street right-of-way.

“Lot coverage”- means the percent of the total lot area covered by buildings and impervious surfaces.

“Lot line”- means a line dividing one lot from another lot or from a street or alley.

a. **“Front lot line”**- means a property line the length of which abuts a street or proposed street.

b. **“Rear lot line”**- means a line dividing one lot from another lot or from a street or alley. It is the line opposite and most distant from the front lot line.

c. **“Side lot line”**- means any lot line other than a front or rear lot line.

“Lot of record”- means any lot which exists as shown or described upon a plat or deed and recorded in the Office of the Record of Deeds of Luzerne County, Pennsylvania.

“Lot types”-include:

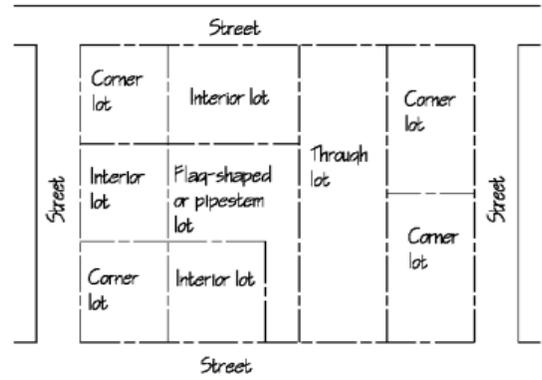
a. **“Corner lot”**- means a lot abutting on and at the intersection of two or more streets. The point of intersection of the streets lot lines is the corner.

b. **“Flag-shaped or pipestem lot”**- means a lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective zoning district but has the required lot width away from the street frontage.

c. **“Interior lot”**- means a lot fronting only one street.

d. **“Through lot”**- means an interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

TYPES OF LOTS



“Lot width”- means the horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in this ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, but on separate lots, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to two-thirds of the width that would otherwise be required, except where minimum lot width allowed is less than 100 feet then no reduction is allowed. In the case of a flag lot, the width measurement shall not include the access corridor but shall be made on the main portion or widest part of the lot.

“Manufactured or mobile home”- means a structure, transportable in one or more sections, which is built upon a chassis and is designed for permanent occupancy when placed on a foundation and connected to the required utilities. The term does not include modular homes or recreational vehicles.

“Manufactured home community or mobile home park”- means a parcel, or contiguous parcels of land, which has been planned and improved for the placement of two or more manufactured or mobile homes.

“Manure”- means the fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding, or litter.

“Manure storage facility”- means a detached structure or other improvement built to store manure for future use or awaiting disposal.

“Massage services”- means an establishment that meets the following criteria:

- a. Massages are conducted; and
- b. The person conducting the massage is not licensed as a health care professional or physical therapist by the Commonwealth of Pennsylvania; and
- c. The massages are not conducted by a licensed medical doctor, chiropractor or physical therapist; and
- d. The massages are conducted within private or semi-private rooms; and
- e. The use is not clearly a customary and incidental accessory use to a permitted wellness and fitness center or athletic program.

A use that involves state-licensed massage therapists is listed as a separate use under this ordinance.

"Medical marijuana"- means marijuana for certified medical use under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

“Medical marijuana academic clinical research center”- means an accredited medical school that operates or partners with an acute care hospital licensed under Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016, as amended.

“Medical marijuana delivery vehicle office”- means any facility used to store delivery vehicles for supplying marijuana plants or seeds to a grower and processor facility or a medical marijuana dispensary.

"Medical marijuana dispensary"- means a person, which holds a permit issued by the DOH to dispense medical marijuana.

“Medical marijuana facility”- means a medical marijuana dispensary or a grower and processor of medical marijuana. The term includes a structure, building or land used to store trucks or delivery vehicles for transporting marijuana plants, seeds or other raw materials, or transporting waste generated from a medical marijuana facility for disposal to a facility authorized in the Commonwealth of Pennsylvania to accept such waste. Incidental storage, management and disposal of solid and liquid waste byproducts or remnants generated during the growing and processing of medical marijuana, but not part of the final product, is permitted as part of the facility.

“Medical marijuana grower and processor facility”- means any building or structure used to grow medical marijuana by a licensed grower and processor of medical marijuana that

has a current and valid license from the DOH under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016, as amended.

“Membership club”- means an area of land or building used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and indoor recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the public. This use may not include outdoor recreation, boarding or rooming houses, tavern, bar, night club, restaurant, or auditoriums unless that particular use is permitted in that district and the requirements of that use are also met. The term includes a social hall.

“Micro-brewery”- means a facility where malt or brewed beverages are produced, sold, distributed, or served on the premises. Food may be sold on premises as an accessory use.

“Micro wireless facility”- means a wireless facility that meets the following qualifications is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and any exterior antenna is no longer than 11 inches.

“Mineral extraction”- means the removal from the surface or beneath the surface of land bulk mineral resources such as sand, gravel, topsoil, limestone, sandstone, coal, shale, gas, oil, and iron ore using machinery. This use includes stockpiling, but not the movement of and replacement of topsoil, as part of construction activities.

“Mini-warehouse or self-storage facilities”- means a single building less than 10,000 square feet in total floor area containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

“Modular home”- mean a structure constructed entirely in a factory under controlled conditions and meeting strict quality-controlled requirements before delivery. A modular home is transported to a site on a flatbed truck. A modular home typically arrives as block segments that are neatly assembled, using cranes, into a dwelling unit that is almost indistinguishable from a comparable one stick built on-site.

“Monopole”- means a wireless communication facility, which consists of a single pole structure, designed, and erected on the ground or on top of a structure, to support communications antennae and connect appurtenances.

“Motel”- means a building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodations of automobile travelers for gain or profit and provides automobile parking conveniently located on the premises. See also “Hotel”.

“Motor vehicle”- means an automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle, or similar means of transportation powered by an engine or other mechanized means and designed to operate and carry persons or cargo on public streets. See definition of “Automobile”.

“Municipal” or “Municipality”- means the political subdivision of Conyngham Borough, Luzerne County, and Pennsylvania.

“Municipalities planning code (Pa PMC)”- means the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended.

“Nature park or preserve”- means a noncommercial park dedicated to the preservation of land or for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education or study center and customary maintenance and accessory buildings.

“Night club”- means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and live music are permitted, including the term “cabaret”. This term does not include any adult use.

“No-impact home based business”- means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, of more than those normally associated with the residential use.

“Nonconforming lot”- means a lot which does not conform with the minimum lot width or area dimensions specified for the zoning district where the lot is located but was lawfully in existence prior to the effective date of this ordinance, or any amendments thereto.

“Nonconforming structure”- means a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include nonconforming signs.

“Nonconforming use”- means a use, whether of land or a structure, which does not comply with the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

“Non-Tower Wireless Communications Facilities (Non-Tower WCF)”- means wireless communications facilities larger than a small wireless facility (SWF), including but not

limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae and related equipment.

“Noxious weeds”- means any plant listed in the Pennsylvania Noxious Weed Control Law (3 P.S. Section 255(3)(b) or any amendments), including:

- a. *Cannabis sativa*, commonly known as marijuana (except when permitted as part of a licensed medical marijuana facility).
- b. The *Lythrum salicaria* Complex: Any nonnative *Lythrum* including, *Lythrum salicaria* and *Lythrum virgatum*, their cultivars and any combination thereof.
- c. *Cirsium arvense*, commonly known as Canadian thistle.
- d. *Rosa multiflora*, commonly known as multiflora rose.
- e. *Sorghum halepense*, commonly known as Johnson grass.
- f. *Carduus nutans*, commonly known as musk thistle.
- g. *Cirsium vulgare*, commonly known as bull thistle.
- h. *Datura stramonium*, commonly known as jimson weed.
- i. *Polygonum perfoliatum*, commonly known as mile-a-minute.
- j. *Puerria lobata*, commonly known as kudzu vine.
- k. *Sorghum bicolor* cv. *drummondii*, commonly known as shattercane.
- l. *Heracleum mantegazzianum*, commonly known as Giant Hogweed.
- m. *Galega officinalis*, commonly known as Goatsrue; and poison ivy.

“Nursery”- means an establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display, storage and sales are permitted.

“Nursing home”- means a place for older adults of more than three persons who do not need hospital care but cannot be cared for at home because of old age, illness, or physical disability. Residents require supervision or assistance of more than 24 hours seven days a week 24 hours a day. A nursing home provides a higher level of care than a personal care home.

Nursing homes are licensed and inspected by the Department of Human Services (DHS), but under a different set of standards than a personal care home.

“Occupied”- includes a building, structure or land being used or intended, arranged, or designed to be used by a person.

“Occupied building”- means a structure where a person lives or works or a place where people gather.

“Oil and gas compressor station”- means a facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells and to operate as an upstream or midstream facility for delivery of oil and gas to transmission pipeline, distribution pipeline, natural gas processing or treatment facility or underground storage field.

“Open space”- means any area of land or water, or a combination of land and water, within a development or lot that is free of improvement and impervious surfaces. Open spaces shall not include, among other things, areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and storm water detention basins, but can include required yard setbacks.

“Operator”- means a person responsible for the day-to-day operation and maintenance of a solar energy system, wind energy facility or oil or gas operation.

“Ordinance”- means the Conyngham Borough Zoning Ordinance of 2021 and the attached official zoning map, as may be amended from time to time.

“Outdoor storage”- includes the placing, storing, or keeping, in an unenclosed area, goods, materials, merchandise, equipment or vehicles which are related to the operation of a commercial use, excluding the storage of solid waste, hazardous substances, refuse, junk and junked vehicles.

“Outdoor wood fired burner”- means a fuel burning device:

- a. Designed to burn wood or other approved solid fuels; and
- b. That the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and
- c. Heats building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

“Parcel delivery service”- means use limited to facilities for the unloading, sorting, and reloading of local retail merchandise for deliveries, where the operation is conducted entirely

within a completely enclosed building, including garage facilities for local delivery trucks, but excluding repairs.

“Park and ride”- means a parking lot that allow commuters and other people to leave their vehicles and transfer to a carpool for the remainder of the trip. The vehicle is left in the parking lot during the day and retrieved when the owner returns.

“Parking space, off-street”- means an unobstructed space or area other than a street or alley that is located completely within the property lines of a property and permanently reserved and maintained for the parking of a motor vehicle.

“Parking space, on-street”- means the parking of a vehicle lawfully on a street or along a sidewalk or curb, in contrast to parking it in a garage, on private property or in a public parking lot.

"Patient"- means an individual who:

- a. Has a serious medical condition; and
- b. Has met the requirements for certification under the Pennsylvania Medical Marijuana Act; and
- c. Is a resident of this Commonwealth of Pennsylvania.

“Paved”- means a condition of surface in which man-made materials (asphalt, bituminous concrete, or masonry materials) are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall require that the permitted materials be applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

“Pawn shop”- means a commercial use that is regulated as a pawn shop by the Pennsylvania Department of Banking.

“Permit”- means the official document issued by the zoning officer authorizing someone to undertake certain activities under this ordinance.

“Permitted use”- means an allowed use permitted by right with or without the issuance of a permit (depending on the use and the requirements of this ordinance) by the zoning officer provided the application meets the requirements of this ordinance. The use will find classification under the heading “P” for the zoning district in which the property is located.

“Person”- includes a corporation, firm, company, partnership, trust, organization, association, sole proprietorship or individual.

“Personal care home”- means a premise in which food, shelter and personal assistance or supervision (but necessarily medical staff) are provided at all times in case of an emergency, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living such as housekeeping and laundry, medication management, shopping and meal preparation, using the telephone, making appointments, eating, toileting, personal hygiene, and bathing. Although a nursing home provides many of the same assistance as a personal care home, senior needs in a personal care home do not meet the higher level of services provided in a nursing home. Personal care homes are licensed by DHS.

“Personal service establishments”- means an establishment or business where personal services are provided for profit or gain and where the sale of retail goods, wares, merchandise, articles, or things is only accessory to the provisions of such services. The term does not include any service use that is designated specifically as a separate use under this ordinance such as a trade shop.

“Pharmacy”- means a use in which the profession of pharmacy is practiced and where prescriptions are compounded and offered for sale, including the offering other retail goods in addition to prescription pharmaceuticals.

“Place of worship”- means a building used for religious services, including churches, synagogues, mosques, monasteries, meeting houses, temples, parish halls, seminaries, and shrines. The term also includes accessory uses such as a residence for a caretaker or the head of congregation, assembly hall used for community events, nursery school, a school of religious education, convent, and rectory. For purposes of this ordinance, bible study and other similar activities that occur in a person’s primary residence do not apply to this definition.

“Playground” or “Park”- means an outdoor area providing a place for recreation where children typically play and that contains commercial play structures such as swings and slides, site amenities (benches, picnic tables, grills and trash receptacles) and surfacing, volley ball, handball, basketball or tennis courts. The term does not include baseball, basketball, football, or soccer fields, or skateboard areas, which shall be considered outdoor recreation.

“Pole”- means a pole or similar structure that is or may be used in whole or in part for communications, electric transmission or distribution, lighting, signage, or a similar function. Such term includes telephone poles but does not include wireless support structures.

“Portable storage containers (POD)”- includes portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

“Premises”- means any tract, lot, or parcel of land and the buildings, fixtures, and appurtenances located thereon. The word includes lot, plot, parcel, and premises.

“Principal solar energy system (PSES)”- means an area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission-lines and other appurtenant structures.

“Principal use, structure or building”- means the main or primary use of land or structures, as distinguished from, or opposed to a secondary or accessory use or structure.

“Principal wind energy facility (“PWEF”)”- means a system of one or more wind-turbines, which may include other accessory structures and buildings, appurtenant structures, and facilities, designed as a principal use on a lot, wherein the power generated is used primarily for off-site consumption.

“Private”- means something owned, operated, and supported by private persons rather than by government, and not available for public use.

“Private garage”- means a building or structure for the private use of the owner or occupant of a principal building situated on the same lot for the storage of motor vehicles used or owned by the owner or occupant with no commercial facilities for mechanical service or repair.

“Professional consultant”- means someone who provides expert or professional advice, including, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

“Professional office”- means a building or portion of a building not a dwelling unit, wherein services are performed by surveyors, architects, landscape architects, professional engineers, lawyers, or other similar professional consultants holding a professional license. The term excludes a medical facility where medical offices are provided for the examination and treatment of persons as outpatients by physicians, physical therapists, dentists, doctors, optometrists, chiropractors, or other licensed medical specialists.

“Property”- means any tract, lot, or parcel of land and the buildings, fixtures, and appurtenances located thereon.

“Pub”- means a retail establishment with on-premises consumption of malt or brewed beverages and wine consumed on premises and licensed by the Pennsylvania Liquor Control Board.

“Public”- means something owned, operated and supported by government for the use and benefit of the public.

“Public hearing”- means a formal meeting held pursuant to public notice by the governing body or zoning hearing board, which is intended to inform and obtain public comment prior to taking action in accordance with this ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

“Public meeting”- means a forum held pursuant to public notice under the Pennsylvania Sunshine Act.

“Public notice”- means 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 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 Transportation Facility”- means a use involving passenger terminal facilities for mass transportation of modes including taxis, vehicles, common carriers, limousines, and buses, whether public or privately owned or operated. The term includes the offering of boarding platforms, bus stops, transit shelters, and similar accessory uses associated with a transit system.

“Recreation”- means the offering of leisure-time activities to unrelated persons.

“Recreation, indoor”- means a building or structure used principally for recreational activities, such as a bowling alley, billiard hall, roller skating or ice-skating rink or similar facilities.

“Recreation, outdoor”- means the use of land or structures for recreational activities such as amusement parks, outdoor shooting ranges, and racetracks. The term does not include a playground or park, golf course and recreational vehicle parks as those uses are listed separately under this ordinance. Outdoor recreation activities conducted completely within a building shall be considered indoor recreation for purposes of this ordinance.

“Recreational vehicle (RV)”- means a vehicle which is:

- a. Built on a single chassis; and
- b. 400 square feet or less when measured at the largest horizontal projections; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. The term includes motor homes, pop-up trailers, and campers.

“Rehabilitation facility”- means a use offering facilities for persons who need specialized housing, treatment, or counseling and who need such facilities because of:

- a. Criminal rehabilitation, such as criminal halfway house or a treatment or housing center for persons convicted of driving under the influence of alcohol; or
- b. Addiction to alcohol or a controlled substance; or
- c. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

The residentially based facility may include overnight stays with room and board, personal care, and intensive supervision and case work for up to 30 people.

“Related” or “Relative”- means persons who are related by blood, marriage, adoption, civil union, or formal foster relationship to result in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great grandparent, grandchild, great grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law or first cousin. The term does not include relationships such as second, third or more cousins.

“Repair”- means to fix or rehabilitate an object or structure to its intended condition or function.

“Restaurant”- means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in indispensable containers, and where the customer consumes these foods while seated at tables or counters located on premises. A restaurant may include the sale of alcoholic beverages for consumption on premises as an accessory use. This use may include drive thru facilities where permitted by this ordinance.

“Restaurant, take-out”- means any establishment that primarily serves ready to eat food and beverages for consumption off the premises.

“Retail sale establishments”- means an establishment selling products as opposed to services or entertainment to the general public, such as antique shop; appliance store; artist, music, and automotive parts store; beverage packaging store; building or plumbing supplies; crafts and hobby supplies; clothing store; dairy products store; dry goods and variety stores; florist; garden supplies; hardware store; newspapers, books and stationary products; office furniture, equipment and supplies; paintings and photography store; pet store; specialty gifts; sporting goods store; and other establishments selling related products. The term does not

include any retail use that is specifically designated as a separate use under this ordinance such as an adult use, secondhand store, pawn shop, pharmacy, and wholesale establishment.

“Retaining wall”- means a structure designed to restrain soil or used to stably contain land at a location with an elevation change.

“Retirement community”- means a residential subdivision where the development is limited exclusively to persons aged 55 years and older, their spouses and family members. The term does not include an adult living residence.

“Ridge, roof”- means the peak where two opposing roof planes meet, or the highest point on a roof, represented by a horizontal line where two roof area intersect, running the length of the area.

“Right-of-way”- means the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property.

“Riparian buffer”- means a permanent area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands.

“Road” or “Street”- means that portion of a road improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

“Rooming house”- means a building or structure or any portion thereof containing residential rooming units rented or leased for a specified time-period of more than seven days, or on a week to week, month to month or year to year basis, with the occupants of said units being non-transient and utilizing the location as their domicile along with the landowner.

“Rotor”- means that portion of the wind turbine, i.e. blades and associated hub and shaft, which is intended to be moved or activated by the wind.

“Sale”- includes the business or activity of selling or renting goods or services.

“Satellite dish antenna, noncommercial”- means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device is intended to be used to transmit or receive radio or electromagnetic waves between terrestrial and orbital based uses. This term includes satellite earth stations, television reception antenna, satellite microwave antennas and the like. This term does not apply to any antenna used for reception of regular AM-FM signals.

“Sawmill”- means a principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

“School”- means any facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools, charter schools, special education facilities, high schools, colleges, and universities. This term does not include childcare centers and adult care centers. See also definition of college, university, trade, or private boarding school.

“Screening”- means the method by which a view of one lot from another adjacent lot is shielded, concealed, or hidden. Screening techniques include fences, walls, non-invasive species of hedges, shrubs, trees or natural forest, berms, and other features, as provided for and required in this ordinance. The planting or maintaining of invasive plant species of Pennsylvania or noxious weeds are strictly prohibited.

“Secondhand store”- means an establishment selling used products as opposed to new products to the public whether acquired by consignment or otherwise.

“Seeps” or “Springs”- means areas where groundwater intersects at or near to the ground surface either seasonally or permanently. Springs involve groundwater reaching the surface at a specific point, while seeping involves a more widespread area. These areas may or may not be considered wetlands under federal law. Hydrophytic vegetation is often dominant.

“Self-storage facility”- means a building of more than 10,000 square feet, or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers which are leased to persons for the storage of the person’s personal property.

“Serious medical condition”- means any condition listed under the Pennsylvania Medical Marijuana Act, as amended from time to time.

“Setback”- means the required minimum horizontal distance between the building line and the related front, side, or rear property line.

“Shadow flicker”- means alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground or stationary objects.

“Shopping center”- means a building or group of two or more units within a single building, which is comprised of commercial, retail or service-oriented businesses and designed to function as a unit with shared vehicular access, off-street parking, and signage. The term includes a strip mall type building where stores front on both sides of a pedestrian way which may be either enclosed or open.

“Short-term home rental”- means any dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 60 days on more than one occasion to someone other than a family member of the landowner where the landowner does not

reside in the dwelling unit. The term does not include a hotel, motel or boarding or rooming house.

“Signs”- includes any object, structure, display, device, or part thereof, designed or intended to advertise, identify, or convey information to the public by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

“Sign gross surface area”- means the entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including any structural supports that do not contain lettering, wording, numerals, designs or symbols. Signs may contain several signs provided they share the same structure or structural supports with the total sign area being the area of a common geometric form that could encompass all signs. The area for a sign either attached or painted on a wall or building is the smallest rectangle that includes the letters, words, numbers, designs, and symbols.

“Sign height”- means the height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site.

“Sign purposes or uses”- include billboard, business, construction, directional or information, event, institutional, name plate or identification, real estate and shopping center or strip mall. Definitions of the different sign uses and photographs depicting those sign uses are as follows:

a. **“Billboard”**- means a sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment, or development not related to, sold, offered, prepared, or manufactured on the lot where the sign is located.



b. **“Business”**- means a sign which communicates information concerning a business, profession, commodity, service, or entertainment, which is sold, offered, prepared, manufactured, or conducted upon the zoning lot where the sign is located.



c. **“Construction”**- means a temporary sign erected on property where construction is taking place, indicating the name of the person performing the construction, architectural, engineering, or inspection activities or services.



d. **“Development”**- means or a permanent sign identifying the name of a residential subdivision.



e. **“Directional, informational or traffic”**- means a sign containing no advertising material and limited to information and directions necessary for visitors entering or exiting a property, including signs marking entrances and exits, parking and no parking, circulation direction, restrooms, loading and unloading, stop, one way, right turn only, etc.



f. **“Event”**- means a temporary sign advertising events such as picnics, carnivals, bazaars, game nights, arts and crafts and similar types of funding raising events, yard sales and political signs.



g. **“Institutional”**- means a sign which identifies a use pertaining to a school, church, hospital, governmental service or other institution of a similar public or semi-public nature.



h. **“Name plate or identification”**- means a sign which communicates the name or address of an occupant or a permitted home occupation upon the lot on which the sign is located.



i. **“Real estate”**- means a temporary sign which advertises the sale, rental, or development of the premises upon which the sign is located.



j. **“Shopping center or strip mall”**- means a marquee type sign advertising a group of two or more businesses originally planned and developed as a single unit.



“Sign types”- include canopy sign, flat roof sign, free standing sign, projecting roof sign, project wall sign and window sign.

a. **“Canopy sign”**- means a sign that is incorporated into an awning or canopy that is attached to the building. An awning is a secondary covering attached to the exterior wall of a building. A canopy is an overhead roof or structure that provides shade or other shelter.

b. **“Flat roof sign”**- means a sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.

c. **“Flat wall sign”**- means a sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.

d. **“Freestanding sign”**- means a sign that has a separate support structure and is not physically attached to a building.

e. **“Projecting roof or wall sign”**- means a sign whose support structure is attached to the roof or wall of a building and whose face either runs generally perpendicular to the roof line or its underlying wall or extends beyond the outside edges of the roof to which it is attached.

f. **“Window sign”**- means a sign that is either located on the inside or outside surface of a window.

Sign types are depicted in the following photographs:



Awning or Canopy Sign



Flat Roof Sign



Flat Building Sign



Freestanding Signs



Projecting Wall Sign



Window Sign

“**Site**”- means a lot or any part of a lot devoted to a specific use regulated under this ordinance.

“**Site Development**”- means any man-made change to improved or unimproved land by construction of a building or structure.

“**Slope**”- means the vertical increase in height of ground level, divided by the horizontal length of that area of ground, measured in percent.

“**Small Vehicles**”-includes Boats, Snowmobiles, All-terrain Vehicles and similar off-road vehicles, Pickup Campers, Boat Trailers, Tent Trailers and cases or boxes used for transporting recreational equipment (whether containing that equipment or not).

“**Small Wireless facility (SWF)**” – means a wireless telecommunication facility and all related equipment, where the antenna is no more than three cubic feet in volume and all other

related equipment on the structure is no more than 28 cubic feet in volume. This term also applies to any micro wireless facility meaning a wireless telecommunications facility where it is not larger in dimension than 36” in length, 18” in width and 12” in height, does not have an exterior antenna which is longer than 11 ½”, and are installed directly onto existing overhead cables owned by telecommunications providers. Some examples of small cell wireless facilities are depicted in the following photographs:



“Social hall”- means a building or portion thereof used for social gatherings, which is usually operated by a nonprofit or civic organization or association.

“Solar array”- means a grouping of multiple solar modules with the purpose of harvesting solar energy.

“Solar cell”- means the smallest basic solar electric device which generates electricity when exposed to light.

“Solar easement”- means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

“Solar energy”- means radiant energy (direct, diffuse and/or reflective) received from the sun.

“Solar energy development area”- means the total area of a major energy system that encompasses the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters, and any other supporting equipment. This area shall also include all access drives providing access to a public road, buffer yards or screening, utilities, and stormwater management facilities.

“Solar energy fenced area”- means the total area of the solar energy development area that encompasses the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment that are enclosed by the required fencing. This area shall not include any access drives providing access to a public road, buffer yards, landscaped screening, utilities, and stormwater management facilities located outside of the required fencing.

“Solar module”- means a grouping of solar cells with the purpose of harvesting solar energy.

“Solar panel”- means that part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating or electricity. Some examples of solar panels are depicted in the following photographs:

Roof solar panels



Stand-alone solar panels



“Solar related equipment”- includes items such as a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

“Solid waste”- means any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial,

institutional, public, household, commercial or mining activities. The following materials are not considered solid waste:

- a. Portions of trees or shrubs, leaves, mulch, and rocks; or
- b. Substances legally disposed of into the air or water through a federal or State pollution discharge permit; or
- c. Customary residual wastes from a permitted mineral extraction use; or
- d. Materials of a character such as paper, plastic, aluminum, and metal that have been separated from the waste stream for recycling.

“Solid waste energy facility”- means a type of solid waste disposal facility that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential, or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see the definitions of each of these terms in Title 25 of Pennsylvania Department of Environmental Protection (DEP) regulations.

“Solid waste facility”- means a facility operated under the laws of the Commonwealth of Pennsylvania governing the management, processing, incinerating, treatment, storage, transfer, or disposal of solid waste. Back filling or reclaiming of a site with off-site material for a fee or accepting payment for off-site material used to manufacture material to be filled at the site such This term includes solid waste landfills, solid waste transfer facility, and solid waste energy facility.

“Solid waste transfer facility”- means a type of solid waste disposal facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see the definitions of each of these terms in Title 25 of Pennsylvania Department of Environmental Protection (DEP) regulations.

“Spa” or “Hot tub”- means a structure intended for the immersion of persons in temperature- controlled water circulated in a closed system, and not intended to be drained and filled with each use. A spa usually includes a filter, a heater (electric, solar, or gas), a pump or pumps, and a control, and may also include other equipment, such as lights, blowers, and water sanitizing equipment. For purposes of this ordinance the spa is intended for use that is accessory to a residential use and available to the household and its guests and where the water heating and water circulating equipment is not an integral part of the principal structure on the property. The spa is intended as a permanent plumbing fixture and not intended to be moved.

“Special exception”- means a specific use only permitted in a zoning district with the approval of the zoning hearing board in accordance with the applicable provisions of this

ordinance. The use will find classification under the heading “S” for the zoning district in which the property is located.

“Specified anatomical areas”- includes less than completely and opaquely covered human genitals, private parts, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stable, commercial”- means a stable used for the rental of stall space or for the sale or rental of horses or mules.

“State”- means the Commonwealth of Pennsylvania.

“Stealth Technology”- means state-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof- mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

“Storage”- means the temporary placement of products and materials for preservation, later use or disposal.

“Stream”- means any natural or man-made of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

“Street”- includes any right-of-way, avenue, court, boulevard, road, highway, alley, freeway, lane, viaduct, and any other ways used or intended to be used by vehicular or pedestrian traffic whether public or private or dedicated or undedicated.

“Street line” or “Right-of-way line”- means the line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

“Street types”- include:

a. **“Arterial street”**- means a street designed to carry large volumes of through-traffic for the connection of residential areas and for circulation outside residential areas. Access onto these streets is normally controlled by stop signs restricting on-coming traffic and traffic signals.

b. **“Collector street”**- means a street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties. Traffic on these streets is normally controlled by signs.

c. **“Local street”**- means a street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.

“Structural alterations”- includes any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

“Structure”- means any man-made object, the use of which requires an ascertainable stationary location on land, whether it is affixed to the land.

“Student”- means a person who is registered to be enrolled or who is enrolled and matriculating at an accredited college or university or primary or secondary school, or who is on a semester or summer break from studies at a college or university.

“Student housing”- means a building which contains a dwelling unit occupied by two or more students who are not related to each other by adoption or marriage or are not the great-grandparent, great-grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew, or great niece of each other.

“Studio”- means a place where an artist, photographer, or sculptor works, or sells or displays their work, or a place where a music, film or production company operates.

“Subdivision and land development ordinance (SALDO)”- means the Conyngham Borough Subdivision and Land Development Ordinance, as amended.

“Surface waters”- means perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

“Swimming pool”- means an accessory use involving any structure and inflatable device used for swimming, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than 24 inches. Hot tubs and spas shall be considered a swimming pool for the purposes of this ordinance; however, ponds, stormwater basins, and lakes are not included since swimming is not the primary purpose for the use.

“Swimming pool, above-ground”- means a pool situated on the ground which can be disassembled for storage or transport. This term includes portable pools with flexible or nonrigid

walls that achieve their structural integrity by means of uniform shape, support frame or a combination thereof, and can be disassembled for storage or relocation.

“Swimming pool barrier”- means a permanent wall that surrounds an above-ground swimming pool and obstructs the access to the swimming pool. The wall may include the wall of the swimming pool or the wall of a building. Permanent for purposes of this definition means that it is not able to be removed, lifted, or relocated without the use of a tool.

“Tattoo or body piercing services”- means an establishment whose services include tattooing (the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin) or body piercing (the creation of an opening in an individual's body to insert jewelry or another decoration).

“Tavern”- means an establishment used primarily for serving alcoholic, malt, or brewed beverages to the public and prepackaged liquors may be sold or served as an accessory use without live entertainment or preparing of food on premises. The term does not include a bar.

“Taxidermist”- means an establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

“Temporary structure”- means a structure without any foundation or footings which is removed when the designated time-period, activity or use for which the structure was placed or constructed has ceased. The time-period for a temporary structure shall be not more than 180 days.

“Temporary use”- means a use established for a fixed period with the intent to discontinue such use upon the expiration of the period. The period for a temporary use may not be more than 180 days unless extended by the Zoning Officer when permitted under this Ordinance. Any use for less than 180 days but resuming on an annual basis shall be considered a permanent use.

“Theatre”- means a building or part of a building devoted to showing of motion pictures or theatrical or performing arts productions as a principal use but not including an outdoor drive-in theatre or adult use.

“Tiny house”- means a principal residential detached dwelling unit that has a total floor area between 170 and 1,100 square feet. Tiny houses are allowed only in the C-1 zone. Some examples of tiny houses are depicted in the following photographs:



Some examples of tiny house are depicted in the following photographs before being constructed on permanent foundations as required by this ordinance:



“Total floor area”- means the gross floor area (measured in square feet) of all floors in a building measured by exterior wall dimensions, including stairwells and elevator shafts, but excluding the attic and basement. For example, a one-story building with exterior walls dimensions of 100' x 100' would have a gross floor area of 10,000 square feet.

“Tower”- means a self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

“Tower-based wireless communications facility (Tower-Based WCF)”- means a tower and its supporting antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. DAS hub facilities are to be considered Tower-Based WCFs.

“Tract”- means the combination of lots in common ownership that are submitted to be approved together as part of a single subdivision or land development.

“Trade shop”- means a use that provides custom-crafted goods or services for sale directly to the consumer, including carpentry, printing, tailoring, upholstery, and artisan craft uses.

“Treatment facility”- means a use that primarily exists to provide medication (such as methadone) or repetitive counseling to multiple persons with addictions to illegal use of controlled substances as a principal use, and which does not include on-site residential facilities

or allow for overnight stays such as a rehabilitation facility under this ordinance, and which is not licensed by the Commonwealth of Pennsylvania as a hospital.

“Tree farm”- means an area used for a type of farming involving the raising or harvesting of trees for commercial purposes.

“Tree house”- means a structure or building above ground level and not designated for continuous habitation, using a tree for part of its support.

“Truck service center, repair and storage”- means a use that primarily involves providing fuel and repairs to tractor-trailers, including incidental storage of tractor-trailers.

“Trucking terminal”- means an industrial use where trucks meet and transfer goods to each other for shipment to other places. A trucking terminal may consist of indoor storage areas, dispatch offices, and loading and unloading facilities connected with receipt or delivery of freight shipped by truck.

“Uniform Construction Code (UCC)”- means the version of the statewide building code adopted by the municipality, applicable to new construction in all municipalities whether administered by the municipality, a third party of the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

“Use”- means the purpose, activity, occupation, business or operation for which land, structures or buildings are designed, arranged, intended, occupied, or maintained. Uses specifically include, but are not limited to, activities within or outside of a structure.

“Variance”- means a waiver or modification of this Ordinance that may only be granted by the zoning hearing board.

“Vernal pool”- means areas that are low points topographically and are typically covered by shallow water for an average of two months during normal years, but which may be completely dry for the remainder of the year, and which are not man-made.

“Veterinary clinic or hospital”- means a facility where one or more licensed veterinarians care for domesticated animals by providing diagnostic and laboratory testing, radiology, therapy, treatment, surgeries, or pharmacy services. The use may have support staff consisting of receptionists, veterinary technicians, nurses, and assistants. The use may include short-term boarding incidental to treatment.

“Walk-up facilities”- means a structure designed for use of pedestrian-oriented services located on an exterior building wall, including window service, self-service operations, vending

machines, and automated bank teller machines (ATMs) and provided that no part of the structure extends into a sidewalk and public right-of-way.

“Wall”- means a structure constructed as a line of demarcation or barrier made of materials to enclose or screen areas of land. When referring to the walls of a building, the term shall mean the vertical exterior surface of a building, or the vertical interior surfaces which divide a building’s space into rooms. The term does not include a retaining wall.

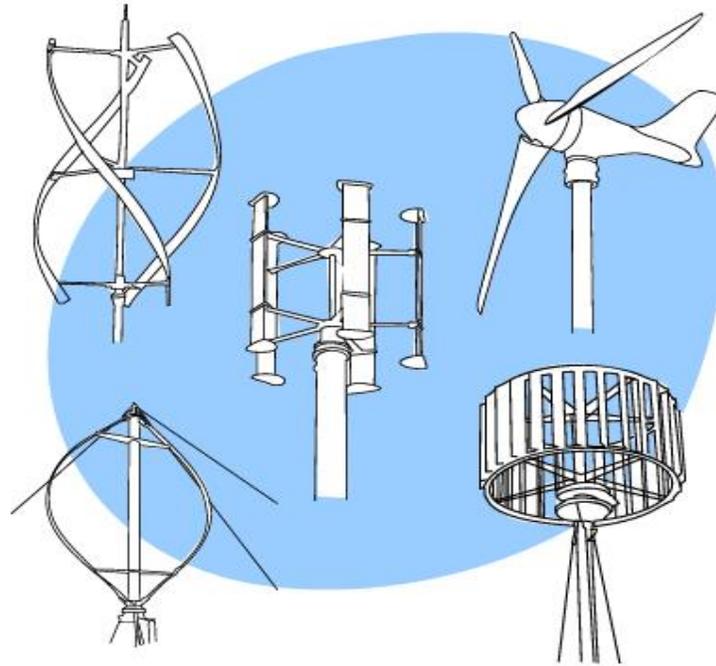
“Warehouse and distribution”- means one or more buildings or structures totaling more than 10,000 square feet used primarily for storage, transfer and distribution of products, goods, and materials. This term does not include a trucking terminal.

“Wellhead protection area”- means the surface and subsurface area surrounding a water well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source. This protection area shall consist of the protective zone immediately surrounding a well, spring or infiltration gallery which shall be a 400-foot radius.

“Wetlands”- means those areas that are inundated or saturated by the surface or ground water at frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. The term includes wetland areas listed in the State Water Plan, The United States Forest Service Wetlands Inventory of Pennsylvania, The National Wetland Inventory, The Pennsylvania Coastal Zone Management Plan, and any wetland area designated by a river basin commission.

“Wholesale establishment”- means an establishment that offers products to other businesses to resell rather than selling directly to retail customers. Wholesalers can be small-scale producers who choose to distribute their products through other businesses, or they can be multi-state distributors with fleets of trucks and massive warehouses.

“Wind energy conversion system (WECS)”- means a machine designed for the purpose of converting wind energy into electrical energy (commonly known as “wind turbine” or “windmill”). The term WECS shall be used interchangeably with the terms “wind turbine” or “windmill,” with said terms having the same meaning as a WECS. The different types of wind turbines are depicted in the following illustration:



“Wind energy facility”- means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, appurtenant structures, and facilities.

“Wind tower”- means the supporting structure of a wind turbine on which a rotor and accessory equipment are mounted.

“Wind turbine”- means a wind energy conversion system that converts wind energy into electricity by a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

“Wind turbine height”- means the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at angle of 90 degrees to the surface of the ground.

“Winery”- means an agricultural processing facility for the fermenting and processing of grape juice into wine. A winery may sell and market wine, not just produce it, but such marketing activity must be accessory (incidental and subordinate) to production, and all accessory uses must be contained in less than 25% of the winery’s footprint.

“Wireless facility”- means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

- a. Equipment associated with wireless communications; and

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and rectifiers, and comparable equipment, regardless of technological configuration.

The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated.

“Wireless provider”- means a person who provides wireless services or builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures.

“Wireless services”- means any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

“Wireless support structure”- means a freestanding structure, such as a monopole; a tower, either guyed or self-supporting; sign; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Such term does not include a pole.

“Woodland”- means a tree mass or plant community in which tree species are dominant or co-dominant, the branches of trees form a complete, or nearly complete, aerial canopy, excluding orchards or old fields.

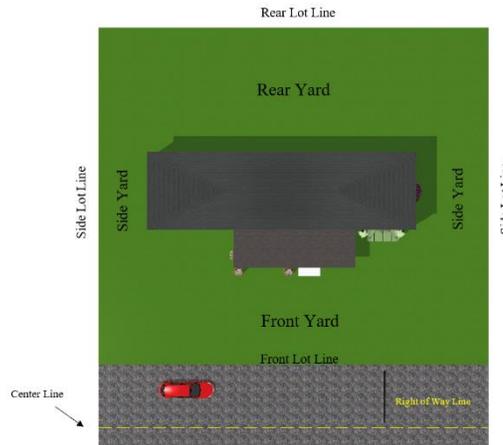
“Yard”- means a prescribed open and unobstructed space or area on a lot that is located between a building or structure and the nearest lot line. A yard is also referred to as a setback.

a. **“Yard, front”**- means a space or area extending the full width of the lot between a principal or accessory building or structure and the front lot line and measured perpendicular to the building or structure at the closest point to the front lot line. This area is bounded by the street line, front setback line and side property lines.

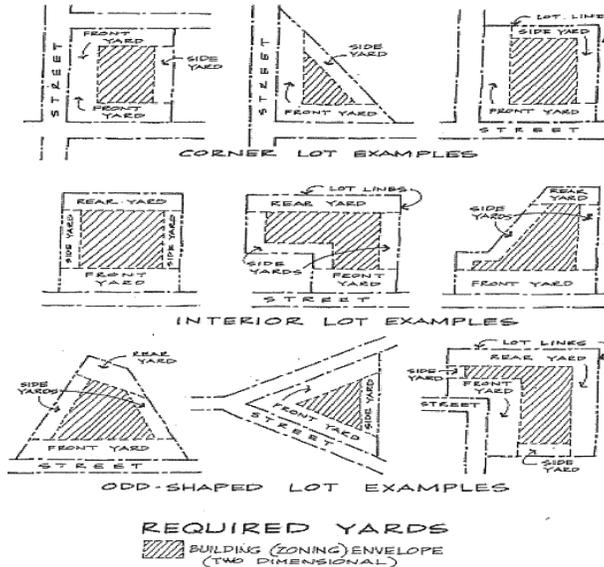
b. **“Yard, rear”**- means a space or area extending the full width of the lot between the structure or building and the rear lot line and measured perpendicular to the building or structure at the closest point to the rear lot line. This area is bounded by the rear property line, rear setback line and side lot lines.

c. **“Yard, sides”**- means a space or area extending from the front yard to the rear yard between a building or structure and the side lot line measured perpendicular from the side lot line to the closest point of the building or structure. This area is bounded by side property lines, and side, front, and rear setback lines.

The following illustrates the required yards for a typical lot:



The following illustrates required yards for odd-shaped lots:



“Yard sale”- means the accessory and temporary use of a lot upon which a dwelling unit is located for the occasional sale or auction of common household goods, furniture and items generated from the dwelling unit located on the lot. Any sale occurring more than six times in any given year shall be considered a retail sales establishment. The term includes a moving sale.

“Zoning district” or “Zone”- means those portions of the borough depicted upon the official zoning map within which certain uniform regulations and requirements apply under the provisions of this ordinance. The official zoning map is attached to this ordinance.

“Zoning hearing board”- means the Conyngham Borough Zoning Hearing Board.

“Zoning map”- means the Conyngham Borough Zoning Map. This map is also referred to as the official zoning map.

“Zoning officer”- means the person appointed to administer and enforce the provisions of this zoning ordinance, and any amendments thereto.

“Zoning ordinance”- means the Conyngham Borough Zoning Ordinance of 2021, as amended from time to time.

**CHAPTER 3
ZONING DISTRICTS**

Section 301. Zoning districts established. The borough has the following zoning districts:

Symbol		Zoning District
a.	I-1	Institutional District
b.	C-1	Conservation District
c.	R-1	One-Family Residential District
d.	R-2	Two-Family Residential District
e.	R-3	Multi-Family Residential District
f.	MBI	Mixed Business and Industrial District
g.	B-1	Downtown Business District
h.	B-2	Highway Business District

Section 302. Official zoning map.

a. Adoption of official zoning map. Borough council has made an official zoning map for the borough, which shows the location and boundaries of different zoning districts. The official zoning map is titled “Zoning District Boundary Map for the Borough of Conyngham” and is being adopted as part of this ordinance. A copy of the official zoning map is incorporated under this section of the ordinance by reference and is attached to this ordinance as “Attachment A”.

b. Amendment to official zoning map. Changes to zoning districts on the official zoning map may only be made in conformity with the amendment procedures specified in this ordinance and the Pennsylvania Municipalities Planning Code. If an amendment to the official zoning map is adopted by borough council, the zoning district must be changed on the official zoning map.

c. Replacement of official zoning map. If the official zoning map is damaged, lost, stolen, or becomes illegible, borough council shall, by ordinance, adopt a new copy of the official zoning map which shall supersede the prior official zoning map. Unless the prior official zoning map has been lost or destroyed, the prior official zoning map or any remaining parts of the map shall be preserved together with all available records pertaining to its previous adoption.

Section 303. Zoning district boundaries. Wherever any uncertainty exists as to the boundary of a zoning district as delineated on the official zoning map, the following rules shall govern:

a. Where a zoning district boundary line is shown as following a street, right-of-way, or watercourse, it shall be construed as following the center line of the street, right-of-way, or watercourse as they exist in recorded deeds or on recorded plans.

b. Where a zoning district boundary line appears to follow or parallel a lot line, it shall be construed as following the lot line.

c. Where a public street is officially vacated, the zoning designation applicable to the abutting lot on each side of the center line shall apply to the center line of the vacated street.

d. All lot lines shown on the official zoning map shall be construed to be those lot lines and dimensions described in the record deed or on the recorded plan for the lot.

e. Where district boundary lines divide a lot, the more restrictive district regulations shall apply. However, if a zoning district boundary line divides a lot placing most of the lot in a specific zoning district, the location of such district boundary line may be construed to include the remaining part of the lot.

f. Where uncertainty exists as to the boundary line of any zoning district, the zoning hearing board shall decide on the proper location of the zoning district.

Section 304. Land use tables.

a. Permitted uses. The land use tables for each zoning district lists uses permitted by right, special exception and conditional use, which have the following meanings:

1. Permitted use (P). The letter “P” next to a use means the use is permitted by right in the zoning district without zoning board approval. With a permitted use, the zoning officer shall issue a zoning permit for the use provided it meets the dimensional, supplemental, and other regulations for the use under this ordinance. Certain uses may be subject to use standards as noted by reference in the last column of each land use table.

2. Conditional use (C). The letter “C” next to a use means the use is permitted in the zoning district by approval of borough council provided it meets the criteria for the granting of a conditional use under this ordinance. The use must also meet the dimensional, supplemental, and other regulations under this ordinance. Certain uses may be subject to use standards as noted by reference in the last column of each land use table.

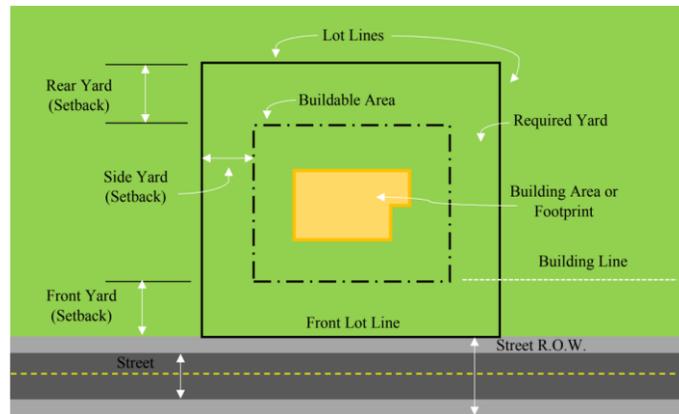
3. Special exception (S). The letter “S” next to a use means the use is permitted in the zoning district by approval of the zoning hearing board provided it meets the criteria for the granting of a special exception under this ordinance. The use must also meet the dimensional, supplemental, and other regulations for the use under this

ordinance. Certain uses may be subject to use standards as noted by reference in the last column of the land use table.

4. Not permitted (N). The letter “N” next means a conversion or drive thru is prohibited in the zoning district. The zoning officer has no discretion to approve a permit for a conversion or drive thru where they are not permitted in the zoning district.

b. Uses not specifically prohibited. All uses of property are prohibited if not permitted or allowed by special exception or conditional use in a zoning district. If a use is not specifically addressed in any zone under the ordinance, then the use is only permitted by conditional use in the MBI zone.

Section 305. Tables for dimensional regulations. The tables for dimensional regulations for each zoning district set minimum and maximum standards for buildings and structures with abbreviations for feet (’), square feet (sf), and percentage (%). The term “Other” under types of uses in the residential zoning districts mean uses not operated within a dwelling unit such as residential commercial uses and commercial uses. The following illustrates the dimensional regulations under this ordinance (except for building height, which is illustrated under the definitional section):



Section 306. Institutional district (I-1).

a. Purpose. The purpose of this district is to provide for institutional uses.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

TYPE OF LAND USE	I-1	SUPPLEMENTAL REGULATIONS
Auditorium	P	

Cemetery	P	Section 417
Church or Place of Worship	P	Section 450
College or University, Education and Support Buildings	S	
Community Center	P	
Emergency Service Station	P	
Essential Services, Enclosed	P	
Essential Services, Open	C	
Funeral Home	P	Section 423
Government Use	P	
Health Care Campus or Hospital	C	Section 427
Homeless Shelter	C	
Laboratory	P	
Library	P	
Nature Park or Preserve	P	Section 446
Park or Playground	P	
Public Transportation Facility	C	
Recreational Facility, Indoor	P	Section 453
Recreational Facility, Outdoor	S	Section 454
School, Public or Private, Primary or Secondary	S	Section 457
Sewage Treatment Plant	C	
SWF in ROW	C	Section 461 (a)
SWF attached to Government Building	P	Section 461 (b)
Theatre, Outdoor or Drive-In	S	Section 464
WCF, Non-Tower	C	Section 469
WCF, Tower Based	C	Section 469
Accessory Institutional Uses	P	
Temporary Use (Construction Trailer, Food Truck, Retail Sales from Tent, and Other)	P	Section 463

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Maximum Height Feet	Maximum Building Coverage
25'	15'	20'	43,560 sf	100'	40'	50%

Section 307. Conservation district (C-1).

a. Purpose. The purpose of this district is to promote open spaces, permit recreational and agricultural uses, and protect environmentally sensitive areas, including areas of water supply, aquifer recharge areas, and floodplains by limiting uses intended to conserve and protect the natural environment.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

USE CATEGORY	TYPE OF LAND USE	C-1	SUPPLEMENTAL REGULATIONS
Residential Uses	Single-Family Dwelling	P	
	Tiny House	S	Section 465
	Tiny House Development	C	Section 465
	Manufactured or Mobile Home	S	Section 437
	Home Occupation	S	Section 430
	No Impact Home Based Business	P	Section 447
Commercial Utilities	Emergency Service Station	P	
	Essential Services, Enclosed	P	
	Essential Services, Open	S	
	Fiber Optic Switch Facility	C	Section 420
	Nature Park or Preserve	P	Section 446
	PSES	C	Section 451
	PWEF	C	Section 452
	SWF in a ROW	C	Section 461 (a)

	WCF, Non-Tower	C	Section 469
	WCF, Tower-Based	C	Section 469
Agricultural Uses	Agribusiness	C	Section 403
	Agricultural Housing	C	
	Agricultural Operation	S	Section 402
	Agritourism	S	
	Animal Day Care	S	Section 404
	Forestry	P	Section 422
	Greenhouse and Nursery	P	
	Grower or Processor of Medical Marijuana	C	
	Hemp Grower or Processor	C	Section 429
	Keeping of Agricultural Animals or Livestock	S	Section 433
	Keeping of Bees	P	Section 434
	Keeping of Chickens	P	Section 435
	Manufactured Home Community or Mobile Home Park	C	Section 438
	Medical Marijuana Grower and Processor	S	Section 440
	Nature Park or Preserve	P	Section 446
	Riding Stable or Keeping of Horses	S	
	Tree Farm or Orchard	P	
	Water Withdrawal, Ground	C	Section 425
	Winery	P	
Commercial Uses	Animal Kennel	S	Section 405
	Campground or RV Park	C	Section 415
	Golf Course	P	Section 424
	Picnic Grove	S	Section 449

	Social Hall or Club	S	
	Stable, Commercial	C	
	Swimming Pool, Commercial	S	Section 501 (c)(8)
Accessory Uses	Residential	P	Section 501
	Outdoor Wood Fired Burner	S	Section 501 (c)(10)
	Agricultural	P	
Temporary Uses	Construction Trailer	P	Section 463 (a)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Maximum Height Feet	Maximum Building Coverage
35'	25'	50'	87,120 sf	150'	35'	15%

Section 308. One-family residential district (R-1).

a. Purpose. The purpose of this district is to provide for low density single-family residential neighborhoods consistent with traditional suburban development.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

TYPE OF LAND USE	R-1	SUPPLEMENTAL REGULATIONS
Single-family Dwelling	P	
Home Occupation	S	Section 430
No-impact Home Based Business	P	Section 447
ASES	C	Section 501 (c)(1)
AWEF	C	Section 501 (c)(2)
Emergency Services	S	
Essential Services, Enclosed	C	
Essential Services, Open	P	

Forestry	P	Section 422
Playground/Park	P	
Small Wireless Facility (SWF)	C	Section 461
Accessory Residential Uses	P	Section 501
Temporary Use (Construction Trailer)	P	Section 463 (a)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Location	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Minimum Floor Area	Maximum Height Feet	Maximum Building Coverage
Main Street	10'	5'	15'	6,000 sf	30'	900 sf	35'	35%
All Other R-1 Zones	35'	15'	30'	12,000 sf	100'	1,200 sf	35'	30%

Section 309. Two-family residential district (R-2).

a. Purpose. The purpose of this district is to provide for medium density residential neighborhoods, and allow limited residential related commercial uses.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

USE CATEGORY	TYPE OF LAND USE	R-2	SUPPLEMENTAL REGULATIONS
Residential Uses	Single-family Dwelling	P	
	Two-family Dwelling	P	
	Conversion to Two-family Dwelling	N	
	Short-term Home Rental	P	Section 460
	Student Housing	S	
Residential Commercial Uses	Adult Care Center	S	
	Assisted Living Residence	S	Section 406
	Bed and Breakfast	S	Section 411

	Boarding or Rooming House	S	Section 413
	Family Childcare Home	S	Section 418
	Group Home	P	Section 426
	Home Occupation	S	Section 430
	Institutional Group Home	S	Section 426
	No-impact Home Based Business	P	Section 447
	Playground/Park	P	
Commercial Uses	Church or Place of Worship	S	Section 450
	Community Center	S	
	Forestry	P	Section 422
	Funeral Home	S	Section 423
	Emergency Services	S	
	Essential Services, Enclosed	P	
	Essential Services, Open	S	
	Nursing Home	S	
	Personal Care Home	S	Section 406
	Small Wireless Facility (SWF)	C	Section 461
	Social Hall or Membership Club	S	
Accessory Uses	ASES	C	Section 501 (c)(1)
	AWEF	C	Section 501 (c)(2)
	Residential	P	Section 501
Temporary Use	Construction Trailer	P	Section 463 (a)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Location	Use Type	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Minimum Floor Area	Maximum Height Feet	Maximum Building Coverage
Main Street	Single-family	10'	5'	15'	6,000 sf per unit	30'	900 sf per unit	35'	35%

	and Two-family Dwellings and other permitted uses								
All Other R-2 Zones	Single-family Dwelling	25'	15'	30'	10,000 sf	100'	1,000 sf	35'	30%
	Two-family Dwelling	25'	15'	30'	12,000 sf	100'	900 sf per unit	35'	35%
	Other	25'	15'	30'	15,000 sf	100'	1,000 sf	35'	35%

Section 310. Multi-family residential district (R-3).

a. Purpose. The purpose of this district is to provide for medium and high-density residential neighborhoods and allow limited residential related commercial uses.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

USE CATEGORY	TYPE OF LAND USE	R-3	SUPPLEMENTAL REGULATIONS
Residential Uses	Single-family Dwelling	P	
	Two-family Dwelling	P	
	Multi-family Dwelling	P	Section 444//Section 445
	Conversion to Two-Family or Multi-Family Dwelling	N	
	Retirement Community	P	
	Short-term Home Rental	P	Section 460
	Student Housing	P	
Residential Commercial Uses	Adult Care Center	S	
	Assisted Living Residence	S	Section 406
	Bed and Breakfast	S	Section 411
	Boarding or Rooming House	S	Section 413
	Family Childcare Home	S	Section 418

	Group Child Care Home	S	
	Group Home	P	Section 426
	Home Occupation	S	Section 430
	Institutional Group Home	S	Section 426
	No-impact Home Based Business	P	Section 447
	Playground/Park	P	
Commercial Uses	Church or Place of Worship	S	Section 450
	Community Center	S	
	Forestry	P	Section 422
	Funeral Home	S	Section 423
	Emergency Services	S	
	Essential Services, Enclosed	P	
	Essential Services, Open	S	
	Nursing Home	S	
	Personal Care Home	S	
	Small Wireless Facility (SWF)	C	Section 461
	Social Hall or Membership Club	S	
Accessory Uses	ASES	C	Section 501 (c)(1)
	AWEF	C	Section 501 (c)(2)
	Residential	P	Section 501
Temporary Use	Construction Trailer	P	Section 463 (a)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Location	Use Type	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Minimum Floor Area	Maximum Height Feet	Maximum Building Coverage
Main Street	Single-family, Two-family,	10'	5'	15'	6,000 sf	30'	900 sf per unit	35'	35%

	and Multi-Family Dwellings and other permitted uses								
All Other R-3 Zones	Single-family Dwelling	25'	10'	25'	10,000 sf	80'	1,000 sf	35'	30%
	Two-family Dwelling	25'	10'	25'	6,000 sf per unit	100'	900 sf per unit	35'	35%
	Multi-family Dwelling	25'	10'	25'	6,000 sf per unit	100'	800 sf per unit		40%
	Other	25'	10'	30'	10,000 sf	100'	1,000 sf	35'	35%

Section 311. Mixed business and industrial district (MBI).

a. Purpose. The purpose of this district is to provide for commercial and industrial development in proximity to State Route 93 near Interstates 80 and 81.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

USE CATEGORY	TYPE OF LAND USE	MBI	SUPPLEMENTAL REGULATIONS
Commercial Uses	Adult Use	S	Section 401
	Automobile Repair Garage	S	Section 408
	Automobile Sales, Parts and Supplies	P	Section 407
	Automobile Service Station	P	Section 409
	Bank or Financial Institution	P	
	Banquet Hall or Catering Facility	P	
	Bar, Pub, Tavern or Micro-Brewery	P	
	Betting Use	P	Section 412
	Car Wash	S	Section 416
	Check Cashing Business	P	

	Childcare Center	P	Section 418
	Construction or Trade Office	P	
	Contractor Storage Yard	S	
	Convenience Store with Gas Station or EV Charing Station	P	
	Crematorium	S	
	Farmer's Market	P	
	Feed Store	P	
	Fitness Club or Health Spa	P	
	Flea Market	S	Section 421
	Funeral Home	P	Section 423
	Furniture Restoration	P	
	Garden Center	P	
	Grocery Store	P	
	Halfway House	S	
	Heliport	S	Section 428
	Hospital or Health Care Campus	P	Section 427
	Hotel or Motel	P	Section 431
	Laundromat	P	
	Lumber Yard or Hardware Store	P	Section 436
	Massage Service with or without Licensed Health Care Professional	S	
	Medical Facility	P	
	Medical Marijuana Academic Clinical Research Center	C	Section 439
	Medical Marijuana Delivery Vehicle Office	C	Section 441
	Medical Marijuana Dispensary	P	Section 442
	Mineral Extraction	C	Section 443
	Mini-Warehouse or Self-Storage	P	Section 456

	Night Club	S	
	Nursing Home	P	
	Office (General, Professional, or Service) or Multiple Office Building	P	
	Oil and Gas Compressor Station or Metering Station	C	Section 448
	Parcel Delivery Service	C	
	Park and Ride	C	
	Pawn Shop	P	
	Personal Care Home	P	Section 406
	Personal Service Establishment	P	
	Recreational Facility, Indoor	P	Section 453
	Rehabilitation Facility	S	
	Restaurant	P	
	Retail Sale Establishment	P	Section 455
	Sawmill	P	Section 456
	School	P	Section 457
	Second-hand Store	P	
	Self-Storage Facility	P	Section 458
	Shopping Center	P	Section 459
	Studio	P	
	SWF in a ROW	C	Section 461 (a)
	Smoke Shop with Hookah Lounge	P	
	Sewage Treatment Plant	C	
	Tattoo or Body Piercing Services	P	
	Taxidermist	P	
	Trade Shop	P	
	WCF, Non-Tower	C	Section 469
	Wholesale Establishment	S	

	Veterinary Clinic or Animal Hospital	S	Section 467
Industrial Uses	Automobile Storage, Junk or Salvage Yard	S	Section 410
	Bulk Fuel Storage and Sales	S	Section 414
	Electricity Building	S	
	Fiber Optic Switch Facility	S	Section 420
	Industrial, Heavy	S	Section 432
	Industrial Hemp Production	C	
	Industrial, Light	P	Section 432
	Solid Waste Facilities	C	Section 462
	Truck, Sales, Service, Terminal or Stop	S	Section 466
	Warehouse or Distribution Facility	S	Section 468
Other Uses	ANY USE NOT ADDRESSED BY ORDINANCE	C	
Accessory Uses	Commercial	P	
	Drive Thru	P	Section 419
	Industrial	P	
Temporary Uses	Construction Trailer	P	Section 463 (a)
	Food Truck	P	Section 463 (b)
	Retail Sales from Tent	P	Section 463 (c)
	Other	P	Section 463 (d)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Maximum Height Feet	Maximum Building Coverage
50'	25'	50'	43,560 sf	150'	45'	30%

Section 312. Downtown business district (B-1).

a. Purpose. The purpose of this district is to provide an appropriate mix of retail and service businesses, and residential uses in the central downtown business district. The purpose of the dimensional regulations in this zone are to protect and enhance the existing development patterns and characteristics of the Main Street by accommodating development that is consistent and compatible with the character and scale of the established development patterns and distinctive features of the downtown business district.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

USE CATEGORY	TYPE OF LAND USE	B-1	SUPPLEMENTAL REGULATIONS
Residential Uses	Mixed Dwelling and Business Use	P	
	Single-family Dwelling	P	
	Two-family Dwelling	P	
	Multi-Family Dwelling	P	Section 444/Section 445
	Conversion to Two-Family or Multi-Family	P	
Residential Commercial Uses	Bed and Breakfast	P	Section 411
	Home Occupation	P	Section 430
	No-impact Home Based Business	P	Section 447
Business Uses	Adult Care Center	P	
	Automobile Parking Lot (Principal Use)	P	
	Bakery, Retail	P	
	Bank or Financial Institution	P	
	Banquet Hall	P	
	Beauty Salon or Barber Shop	P	
	Childcare Center	P	Section 418
	Coffee Shop or Tea Room	P	
	Community Center	P	
	Convenience Store w/out Gas Station or EV Charging Station	P	

	Conversion from Residential to a Permitted Commercial Use	P	
	Drive Thru as Principal Use	N	Section 419
	Floral Shop	P	
	Fitness Club or Health Spa	P	
	Funeral Home	S	Section 423
	Jewelry Store	P	
	Laundromat	P	
	Limited Winery	P	
	Massage Service with Licensed Health Care Professional	S	
	Medical Facility	P	
	Medical Marijuana Dispensary	P	Section 442
	Office, General, Professional or Service	P	
	Personal Service Establishment	P	
	Pharmacy	P	
	Recreational Facility, Indoor	P	Section 453
	Restaurant Eat-In or Take-Out	P	
	Retail Sale Establishment	P	Section 455
	Strip Mall or Shopping Center	P	Section 459
	Studio	P	
	SWF in a ROW	C	Section 461 (a)
	Smoke Shop without hookah lounge	P	
	Tavern or Micro-brewery	P	
	Theatre, Indoor	P	
Accessory Uses	Commercial	P	
	Drive Thru	N	Section 419
	Walk-Up Facilities	P	

	Residential	P	Section 501
Temporary Uses	Construction Trailer	P	Section 463 (a)
	Food Truck	P	Section 463 (b)
	Retail Sales from Tent	S	Section 463 (c)
	Other	S	Section 463 (d)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Use Type	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Minimum Floor Area	Minimum/Maximum Height	Maximum Building Coverage
Single-family Dwelling	10'	5'	15'	5,600 sf	30'	1,000 sf	15'/35'	35%
Two-family Dwelling	10'	5'	15'	6,000 sf	40'	900 sf per unit	15'/35'	35%
Multi-Family Dwelling	10'	5'	15'	1,000 sf per unit	20' per unit	750 sf per unit	22'/35'	35%
Other	8'	5'	20'	7,500 sf	40'	1,200 sf	22'/40'	35%

Section 313. Highway business district (B-2).

a. Purpose. This purpose of this district is to provide for a variety of highway-oriented commercial uses outside of the downtown business district at convenient and accessible locations along State Route 93.

b. Land uses. The use of land, structures, and buildings in this district are permitted as follows:

USE CATEGORY	TYPE OF LAND USE	B-2	SUPPLEMENTAL REGULATIONS
Commercial Uses	Agricultural Related Business	P	
	Automobile Repair Garage	S	Section 408

	Automobile Sales, Parts and Supplies	P	Section 407
	Automobile Service Station	P	Section 409
	Bank or Financial Institution	P	
	Banquet Hall or Catering Facility	P	
	Bar, Pub, Tavern or Micro-Brewery	P	
	Beauty Salon or Barber Shop	P	
	Betting Use	P	Section 412
	Bottle Club or BYOB Club	P	
	Car Wash	S	Section 416
	Check Cashing Business	P	
	Childcare Center	P	Section 418
	Construction or Trade Office	P	
	Contractor Storage Yard	S	
	Convenience Store with Gas Station or EV Charging Station	P	
	Dance, Gymnastic or Martial Arts Studio	P	
	Farmer's Market	P	
	Feed Store	P	
	Fitness Club or Health Spa	P	
	Funeral Home	P	Section 423
	Garden Center	P	
	Grocery Store	P	
	Hospital or Health Care Campus	P	Section 427
	Hotel or Motel	P	Section 431
	Laundromat	P	
	Lumber Yard or Hardware Store	P	Section 436
	Massage Service with or without Licensed Health Care Professional	S	

	Medical Facility	P	
	Medical Marijuana Dispensary	P	Section 442
	Mini-Warehouse or Self Storage	P	Section 456
	Nursing Home	P	
	Office, General, Professional or Service	P	
	Pawn Shop	P	
	Personal Care Home	P	
	Personal Service Establishment	P	
	Recreational Facility, Indoor	P	Section 453
	Restaurant	P	
	Retail Sale Establishment	P	Section 455
	School	P	Section 457
	Second-hand Store	P	
	Strip Mall or Shopping Center	P	Section 459
	Studio	P	
	SWF in a ROW	C	Section 461 (a)
	Smoke Shop with Hookah Lounge	P	
	Tattoo or Body Piercing Services	P	
	Theatre, Outdoor or Drive-In	S	Section 464
	Treatment Facility	S	
	Veterinary Clinic or Hospital	S	Section 467
	WCF, Non-Tower	C	Section 469
	Wellness or Fitness Center	P	
	Wholesale Establishment	S	
Accessory Uses	Commercial	P	
	Drive Thru	P	Section 419
Temporary Uses	Construction Trailer	P	Section 463 (a)
	Food Truck	P	Section 463 (b)

	Retail Sales from Tent	P	Section 463 (c)
	Other	P	Section 463 (d)

c. Dimensional regulations. The use of land, structures, and buildings in this district shall comply with the following dimensional requirements:

Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Area	Minimum Lot Width	Maximum Height Feet	Maximum Building Coverage
50'	10'	50'	43,560 sf	150'	45'	30%

CHAPTER 4 USE STANDARDS

Section 401. Adult uses.

- a. No adult use shall be located less than 2,000 feet from a residential use, place of worship, government use, playground, park, school, or childcare center.
- b. No adult use may be located within 1,000 feet from another adult use.
- c. A buffer yard of at least 20 feet shall be provided and the side and rear lot lines (except for access drives) shall be screened with both a planting strip and fence or solid wall under the buffering requirements of this ordinance.
- d. Pornographic materials, displays, and words may not be placed in view of persons who are not inside the establishment.

Section 402. Agribusiness.

- a. The minimum lot size is five acres.
- b. The minimum lot width is 400 feet.
- c. Activities (including parking areas) and structures shall comply with the following minimum setback distances:
 1. Minimum front yard setback shall be 50 feet.
 2. Minimum side yard shall be 100 feet.
 3. Minimum rear yard shall be 100 feet.
- d. Ancillary features of a property may include:
 1. The use of a portion of the property for the temporary placement of campers, horse trailers, and recreational vehicles as related to planned events upon the property.
 2. The sale of both prepared food products and fresh farm produce and accessory products that support the specific agribusiness such as leather tack products, saddles, boots, and western wear.
- e. Maximum building coverage shall be 30%.

Section 403. Agricultural operations.

a. All structures associated with the agricultural operation shall be setback a minimum of 150 feet from all lot lines. Open commercial crop storage shall not occupy any part of the required front, side, and rear yards.

b. Any manure storage facility shall comply with the yard and setbacks requirements established by Act 38 of 2005 known as ACRE and the Commonwealth of Pennsylvania Nutrient Management Act, as amended. All applications for manure storage facilities shall include evidence indicating compliance with Act 38 of 2005 known as ACRE and Commonwealth of Pennsylvania Nutrient Management Act.

c. All agricultural operations shall be designed and maintained so that water and fertilizer will not drain onto adjacent lots.

d. All agricultural operations shall comply with applicable standards of the most recent version of the Pennsylvania Manure Management Manual, as amended. Proof of compliance must be filed with the borough.

Section 404. Animal daycare.

a. Hours of operation may be 7:00 a.m. to 7:00 p.m. on Monday through Saturday.

b. Recreation must be provided by the operator for the domestic pets.

c. A maximum of fifteen domestic pets shall be permitted per property.

d. Domestic pets must be confined within the property of the operator so that a pet may not stray beyond the property on which it is confined.

e. The operator must keep the property clean where the pets are being boarded and remove and properly dispose animal feces daily.

Section 405. Animal kennel.

a. Animals must be kept within an enclosed building, except for runways that must be fenced and buffered under this ordinance.

b. All buildings, runways, fenced enclosures, and similar structures shall be located not less than 150 feet from all lot lines. Where the property abuts a zoning district having residences as a principal permitted use, all buildings, runways, fenced enclosures, and similar structures shall be located not less than 200 feet from such lot lines.

Section 406. Assisting living residence and personal care home.

- a. An assisted living residence and personal care home shall have a minimum lot size of three acres.
- b. The minimum setback shall be 50 feet from all property lines.
- c. A minimum of 20% of the lot must be dedicated to outdoor recreational facilities for exclusive use of the occupants limited to one or more of the following: garden areas, sitting areas, picnic areas, and pedestrian walkways.
- d. Proof of licensing by Pennsylvania Department of Human Services must be provided to the borough.

Section 407. Automobile repair garage.

- a. All repairs and painting shall be conducted within an enclosed building. Spray booths shall have ventilation systems that direct fumes away from adjacent properties and buildings.
- b. Outdoor storage is prohibited. All motor vehicle parts, and dismantled vehicles shall be stored within a building.
- c. Outdoor parking areas for customer vehicles shall not exceed three times the indoor repair area and may not be located closer than 20 feet from side and rear yard lot lines.
- d. Any vehicle on the property longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored for more than 45 days.
- e. Service bay doors shall be closed when repairs are being performed. Service bay doors on new buildings shall front on a public street.

Section 408. Automobile sales.

- a. No outdoor display shall occupy any part of a required yard area.
- b. No part of the display area shall be permitted in an existing or future street right-of-way or in a required parking or loading space.

Section 409. Automobile service station.

- a. All services, except for the dispensing of gas at the fuel pumps and EV charging stations, shall be performed within a completely enclosed building.

b. Gas pumps, EV charging stations and all other service equipment shall be setback not less than 25 feet from all lot lines so that stopped vehicles waiting for gas will not extend over a lot line.

c. Gas pumps and EV charging stations may not interfere with parking spaces or internal circulation and shall be located at least 30 feet from parking areas.

d. A minimum lot width of 250 feet is required.

e. A service station may not be located within 100 feet of a lot having a zoning district that permits residential dwelling units as a principal permitted use.

f. Vehicular access drives shall be well-defined and not less than 50 feet from any street right-of-way line.

g. Outdoor storage is prohibited.

h. Any customer vehicle waiting a minor repair shall be stored on the lot for more than 10 days.

Section 410. Automobile storage yard.

a. Impound yard.

1. The impound storage yard must be identified by a conspicuously placed, well-maintained sign that includes the business name, address, phone number, and hours of operation.

2. The yard shall maintain a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material.

3. The yard must have adequate lighting.

4. An eight-foot opaque chain link fence must surround the yard with a locked entrance gate.

5. Spacing between vehicles must be adequate to allow opening of vehicle doors without interfering with other vehicles or objects.

6. An office shall be located on the property where the impound yard is located and towing and storage fees must be conspicuously posted in the office.

7. The office shall be staffed and open for public business during normal business hours, Monday through Friday, except for designated state and federal holidays.

8. The yard shall provide compressed air and battery boosting capabilities at no additional cost to the owner of the vehicle being stored.

b. Junk or salvage yard.

1. The storage yard must be identified by a conspicuously placed, well-maintained sign that includes the business name, address, phone number, and hours of operation.

2. The yard shall maintain a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material.

3. The yard must have adequate lighting.

4. An eight-foot opaque chain link fence must surround the yard with a locked entrance gate.

5. An office shall be located on the property. The office shall be staffed and open for public business during normal business hours, Monday through Friday, except for designated state and federal holidays.

6. The premises shall be maintained so as not to create conditions that cause a public or private nuisance.

7. The use may not cause pollution to groundwaters or surface waters.

8. The use may not cause risks to public health and safety, such as explosion, fire, or biological hazards.

9. Burning or incineration of any kind is prohibited.

10. No garbage, organic waste, rubbish, toxic materials, and hazardous materials shall be stored on the premises.

11. Whenever any motor vehicle shall be received on the premises as junk, all gasoline, oil, and other fluids shall be drained, removed from the vehicle, and properly contained until sold or disposed.

12. The storage of any combustible materials, such as gasoline, oil, or related items, shall be placed in fireproof containers and stored within a fireproof building.

13. The manner of storage and arrangement of junk and the drainage facilities on the premises shall be such as to prevent the accumulation of stagnant water upon the premises, which is a place for the breeding of rodents, insects, and vermin.

14. Stockpiling of motor vehicles is prohibited.

15. Outdoor storage of junk may not be piled higher than eight feet in height and must be setback no less than 100 feet from all lot lines, street right-of-way, water way, and drainage swale.

16. The premises shall contain a minimum of two access drives that remain unobstructed for emergency vehicles. Access drives may not be less than 20 feet in width. Motor vehicles, parts, and other junk shall be arranged to maintain the minimum width of access drives.

17. The minimum lot size shall be three acres and the maximum lot size shall be five acres.

18. Except for the required access drives, the premises shall be completely screened by a wall or fence not less than eight feet in height and a planting strip not less than five feet in depth, with shrubbery, plants or evergreen trees which are a minimum of six feet in height at the time of planting. This area must then be suitably landscaped and maintained while the junkyard is in operation.

Section 411. Bed and breakfast.

a. A bed and breakfast shall be conducted within a dwelling unit.

b. There may not be separate cooking facilities in any guestroom, and food shall only be prepared or served to overnight guests unless a restaurant is also a permitted use within the zoning district in which the property is located.

c. Guests may not be permitted to stay for more than 30 days in any given year, and not more than 14 days at any given time.

d. No display or advertising shall be permitted except for a permitted identification sign.

e. No more than eight guest rooms shall be provided and the occupancy limits per guest room shall be maintained under the edition of the International Property Maintenance Code adopted by the borough.

f. At least two bathrooms shall be provided for use by the guests.

g. The use shall be carried on by members of the immediate family, who must reside on the premises.

Section 412. Betting use.

a. The betting use may include legal gambling or off-track betting establishments licensed by the Commonwealth of Pennsylvania.

b. Betting uses may not be located within 500 feet of any residential zoning district, residential use, school, park/playground, place of worship, library, and childcare center. The distance shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which the betting use is located to the closest point of the property line or structure of such protected land use.

c. The use may not be detrimental to the use of adjoining properties.

d. The use shall have a minimum lot area of five.

e. Proof of licensing shall be filed with the borough and a condition of any approval, if not obtained at the time of filing a zoning permit application.

Section 413. Boarding or rooming house.

a. A boarding or rooming house shall serve no more than 12 persons.

b. Each bedroom shall be limited to no more than two adults.

c. Rooms shall be rented for a minimum of one week.

d. The owner shall also reside in the boarding or rooming house.

Section 414. Bulk fuel storage.

a. Bulk fuel storage whether permitted as a principal or accessory use shall be located on a lot of not less than two acres.

b. Storage tanks shall be more than 250 feet from all lot lines and may not be less than 500 feet from any residential dwelling unit, school, childcare center, place of worship, public playground/park, and public use.

c. Cylinder filling rooms, pumps, compressors, and truck filling stations shall be located not less than 100 feet from all lot lines.

d. The tank storage area shall be completely fenced with a chain link opaque fence at least six feet in height and properly locked and posted as hazardous and dangerous. If the storage area adjoins a lot used for or zoned for residential purposes, the fence shall be screened from view by a buffer planted and maintained under Section 504 of this ordinance.

e. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations and proof of such shall be provided to the zoning officer prior to commencement of the use.

Section 415. Campground or recreational vehicle park.

a. For each acre of total lot area, there shall be a maximum average of:

1. Three sites for recreational vehicles; and
2. Four sites for tents; and
3. Cabin sites with sleeping capacity for 12 persons.

b. Sites may be clustered in portions of the lot.

c. Stores shall be limited to sales of common household and camping items and shall be primarily intended to serve persons camping on the property.

d. A commercial campground shall include at least one stone or paved entrance road from a public street, with a minimum width of 20 feet. If stoned, at least the first 100 feet of the campground road from a paved public street cartway shall be paved.

e. The minimum lot area is five acres.

f. All sites, buildings and parking areas shall be setback a minimum of 100 feet from all lot lines. However, the 100 feet setback from a front lot line or public street-of-way may be reduced to 50 feet along a local street. Any existing healthy trees within such setback shall be preserved, except as needed for a perpendicular entrance road and utility crossings.

g. Buildings used for sleeping quarters may not be within the 100-year floodplain. No campsites or buildings shall be located on slopes over 15 percent.

h. No person other than a bona fide resident manager or caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or family, other than a resident manager or caretaker.

Section 416. Carwash.

- a. All structures housing self-service devices such as vacuum, air or fuel may be in any yard provided they are more than 25 feet from all lot lines and the existing street right-of-way.
- b. Water from the car wash may not flow onto sidewalks or streets in such a manner as to negatively impact pedestrian and vehicular travel or violate any stormwater ordinance.
- c. The minimum lot size is five acres, which may be reduced to two acres if the water will be recycled on-site.
- d. Access drives and parking aisles shall be designed so as not to cause traffic hazards on streets. On-lot traffic circulation channels and parking areas shall be clearly marked. Access points shall be limited to two on each street abutting the lot.
- e. Adequate provisions shall be made for the proper and convenient disposal of refuse.

Section 417. Cemetery.

- a. A cemetery shall be laid out with walking paths. Grave sites shall be a minimum of 20 feet from any lot line. Streets, lanes, alleys, and public roads are prohibited within a cemetery.
- b. A cemetery shall be on a lot of at least two acres.
- c. Except when owned and operated by a bona fide church, temple, mosque, synagogue, association, or religious congregation, the owner and operator must establish a lot care fund and provide proof to the borough of its existence. The funds shall be restricted for the care, maintenance, and preservation of the cemetery.
- d. A cemetery not administered by a bona fide church, temple, mosque, synagogue, association, or religious congregation, then a valid registration certificate issued by the state and an affidavit of compliance must be provided to the borough.

Section 418. Childcare center or family care home.

- a. The minimum lot size shall be 20,000 square feet for a family care home and one acre for a childcare center.
- b. An outdoor play area, which is equal to at least 20% of the total gross floor area for childcare shall be required.

- c. The outdoor play area shall be setback a minimum of 40 feet from all lot lines.
- d. The outdoor play areas shall be completely enclosed with a fence at least six feet in height. A locked gate shall be provided when the play area is accessible to public areas.
- e. Outdoor play activities shall be limited to the hours of 9:00 a.m. and 5:00 p.m.
- f. A family care home may not be conducted in a dwelling unit that has access to another dwelling that does not have a common owner.
- g. The exterior appearance shall be maintained so that it is compatible with existing dwellings in the neighborhood.
- h. Passenger “drop-off” and “pick-up” areas for a childcare center shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the lot.

Section 419. Drive thru use.

- a. No drive thru window shall be in a front yard.
- b. The drive thru shall have direct access to a public street.
- c. A parking lot shall be designed to provide the following minimum queue length depending on the use:

USE	QUEUE LENGTH	MEASURED FROM
Call Box/Access Box	100 feet	Call Box or Access Box
ATM/Stand-alone	150 feet	ATM
Restaurant/Bank	250 feet	Last Window
Car Wash/All Other Uses	300 feet	Stop line prior to Building or Center of Window

- d. Drive thru lanes shall have a minimum width of 10 feet. In addition, a bypass lane with a minimum width of 12 feet shall be provided to allow motorists an opportunity to exit the drive thru lane and re-enter the parking lot.
- e. Stacking may not interfere with normal traffic flow within the lot nor may it cause stopping of vehicles on any public street or right-of-way.
- f. The drive thru lane may not block access points, dumpster enclosures, crosswalks, loading zones, and parking spaces.

Section 420. Fiber optic switch facility.

- a. The facility shall be located on a lot that has no other principal or accessory buildings on it.
- b. All equipment associated with the facility must be stored entirely within an enclosed building and any utilities shall be located underground.
- c. Any building associated with the facility shall meet the minimum setbacks requirements for a principal building in the zoning district in which it is located.
- d. The access drive to the facility shall be paved and have a width of 12 feet.
- e. To minimize visual impacts, the facility shall be fenced and buffered under Section 504 of this ordinance even if it does not adjoin a residential use or zone.
- f. Any buildings shall meet the maximum height requirements for an unattached accessory nonresidential building under this ordinance.

Section 421. Flea market.

- a. All outdoor display and sale of merchandise shall commence no earlier than one hour before sunrise and cease no later than one hour prior to sunset.
- b. The retail sales area shall be set back at least 25 feet from all lot lines.
- c. The retail sales area shall be calculated as part of the maximum lot coverage regardless of its surface material.
- d. Exterior amplified public address systems are prohibited.
- e. Trash receptacles shall be provided in the retail sales areas and must be routinely emptied to prevent the scattering of litter, garbage, and debris. All applications shall include a litter plan.

Section 422. Forestry or timber harvesting.

- a. This section applies to all timber harvesting and land clearing within the borough where the value of the trees, logs and other forest products removed exceeds \$1,000.00. It does not cover the cutting of trees for the personal use of the landowner, or for pre-commercial timber stand improvement.

b. It shall be unlawful for any operator or landowner to conduct timber harvesting except as provided in an approved logging plan which is available at the harvest site at all time during the operation.

c. The following timber harvesting practices shall be observed:

1. Felling or skidding on or across any public street is prohibited without a permit and use and maintenance agreement from the governmental entity owning or maintaining the public street.

2. No tops or slash shall be left within 25 feet of any public street or private road providing access to adjoining property.

3. All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to any adjoining property or within 25 feet of any adjoining property line shall be lopped to a maximum height of four feet above the ground level.

4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner.

5. Litter resulting from a timber harvesting operation shall be removed from the site before the operator vacates it.

6. A buffer strip of at least 50 feet must be maintained along any road, stream, or recognized recreational trail.

7. Timber operations and related activities shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m.

8. Soil carried or washed onto public streets during the operation shall be removed daily.

9. The landowner and the operator shall be responsible for repairing any damage to the streets caused by traffic associated with the timber harvesting operation to the extent of the damage in excess of that caused by normal traffic. The borough may require the landowner or operator to furnish a bond, irrevocable letter of credit or other form of financial security to guarantee the repair of damage to any street.

Section 423. Funeral home.

a. A funeral home shall be setback a minimum of 40 feet from any residential lot line.

- b. The lot must have direct access onto a collector or arterial street.
- c. The minimum lot size shall be one and a half times the minimum lot area required for the zoning district in which the property is located.

Section 424. Golf course.

- a. A golf course may include a restaurant, clubhouse, and tavern provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling and provided that the impervious area covered by such uses does not exceed an amount equal to five percent of the lot area of the golf course.
- b. The minimum lot area shall be 20 acres.

Section 425. Ground water withdrawal.

- a. The applicant shall provide the documentation submitted to the Pennsylvania Department of Environmental Protection (DEP) for a permit to withdraw or allocate water along with the River Basin Commission. All permits shall be filed with the borough.
- b. Loading and unloading areas and storage facilities shall be setback a minimum of 150 feet from all lot lines.
- c. A traffic impact study shall be prepared by the applicant and reviewed by the borough as part of approval for the use. The applicant must prove that the road system is suitable in terms of structure, geometry, safety, and capacity to accommodate the anticipated truck traffic.
- d. The minimum lot area shall be 10 acres.
- e. Any bottling plant shall be considered a separate use and shall only be permitted as a heavy industrial use in the MBI Zone.

Section 426. Group home and institutional group home.

- a. The maximum occupancy may not exceed six unrelated persons, excluding paid professional staff members, who shall live in the dwelling and function as a common household unit. If the home has six occupants, then 24-hour on-site staffing must be provided.
- b. The exterior appearance of the group home shall be residential in nature.
- c. A group home may not include any use meeting the definition of a rehabilitation facility or treatment facility.

- d. The applicant shall provide evidence of state licensing or certification.

Section 427. Health care campus or hospital.

- a. The maximum percent of lot coverage shall be 50% for all principal and accessory buildings excluding parking structures.
- b. The maximum height for buildings shall be 40 feet for human occupancy on or above grade. The maximum height of parking structures shall be 60 feet above grade.
- c. The minimum lot area shall be five acres.
- d. The following minimum setbacks shall apply:
 - 1. All structures shall be at least 35 feet from the right-of-way of a public street, and 75 feet from a side and rear lot line.
 - 2. A heliport shall be setback a minimum of 300 feet from any lot and the heliport landing/take-off area shall be surrounded by a fence not less than four feet in height.
- e. Buffer yards shall be screened under this ordinance.

Section 428. Heliport.

- a. A minimum lot size of five acres shall be required.
- b. The entire perimeter of the landing and take-off area shall be enclosed by a fence not less than eight feet in height.
- c. The surface area of the landing and take-off area shall be paved.
- d. The landing and take-off area shall be located not less than 300 feet from all lot lines. Where the property adjoins a residential dwelling unit or a zone where residential uses are principally permitted, the landing and take-off area shall be located not less than 500 feet from the lot line abutting the residentially used or zoned property.
- e. Bulk fuel storage is not permitted.
- f. Except in the event of an emergency, a helicopter landing shall only be permitted at an approved heliport.
- g. No structure, mast, antenna, or wire shall be erected, altered, or maintained, and no tree shall be allowed to grow to a height of more than 35 feet.

h. When a heliport is within 250 feet of a residential dwelling unit, motel, hotel, school, childcare center, place of worship, hospital, or library, a decibel level of 55 dBA must be maintained at the lot line nearest to the use and may be required to include additional sound buffering features as a condition of approval.

i. An aviation permit issued by the Pennsylvania Department of Transportation shall first be obtained before making an application for a zoning permit.

Section 429. Hemp grower and processor.

a. A field or planting site for hemp may not be located within 1,000 feet of a school or playground or park; 200 feet of a structure used as a residential dwelling unit; and 1,500 feet from a medical marijuana grower or processor facility.

b. A field or planting site for hemp must be physically separated from other crops.

c. Growing and processing of hemp shall comply with the requirements of the General Permit issued or approved by the Pennsylvania Department of Agricultural.

d. Industrial hemp production may not occur on the same property where the growing and processing of hemp occurs.

Section 430. Home occupation.

a. The occupation shall be carried on entirely within the principal dwelling unit or an attached accessory structure, but not in an unattached accessory structure.

b. No display or advertisement of products or services may be visible from outside of the dwelling.

c. Any storage of materials associated with the home occupation shall be within the dwelling unit. Outdoor storage or storage in an unattached accessory structure is prohibited. No storage of hazardous waste or flammable materials shall be permitted.

d. An identification sign is the only sign that is permitted. The sign may only be lit with indirect lighting.

e. No more than one employee may work in the dwelling unit provided that the resident of the dwelling unit is also working at the same time as the employee.

f. No more than 20% of the total floor area of the dwelling unit may be devoted to the home occupation.

g. The use shall clearly be secondary and incidental to the residential use.

h. A home occupation shall have a minimum of one off-street parking space. This minimum requirement may be supplemented by an available on-street parking space when the home occupation is in the B-1 Zone. Any required off-street parking shall be in addition to the off-street parking spaces required for the residential use of the property.

i. No deliveries shall be permitted that require anything other than occasional parcel service or panel truck delivery. Deliveries by tractor-trailer are not permitted.

j. A home occupation shall operate in a manner that is noticeable to other residents. Hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and on Saturday between the hours of 9:00 a.m. and 4:00 p.m.

k. A home occupation may not involve:

1. Manufacturing, other than of custom crafts and sewing.

2. Commercial repair of motor vehicles.

3. Animal hospitals, animal daycare, animal stables, animal kennels, funeral home, or restaurant.

l. No more than one home occupation is permitted within a dwelling unit and lot.

Section 431. Hotel or motel.

a. The use shall have a minimum lot area of two acres.

b. Each sleeping room may not be less than 250 square feet.

c. No less than 60% of the gross floor area of the building shall be devoted to sleeping rooms. The remaining floor area may be used for such uses as a restaurant, retail store, game room, ballroom, or banquet room provided that these uses are accessory and primarily designed to serve the guests of the motel or hotel.

d. All buildings and structures shall be located not less than 60 feet from a front yard line, 35 feet from all side yard lines, and 50 feet from the rear yard line.

e. All areas not used for access, parking circulation, buildings and services shall be completely and permanently landscaped, and the entire site shall be maintained in good condition.

Section 432. Industrial, heavy, or light.

a. The zoning application shall include a detailed description of:

1. The nature of the on-site processing operations, the materials used in the process, the products produced, the generation and methods for disposal of any wastes and by-products, and the manner and method of storage and disposal of materials.

2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

b. These uses are required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by the applicable building code. Doors shall be directed away from adjoining properties and must be closed while the use is in operation. No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

c. A buffer yard of at least 75 feet shall be provided from any lot used or zoned residential. When the lot adjoins a lot used for residential or zoned residential, the lot shall be screened with both a planting strip and fence under Section 504 of this ordinance.

Section 433. Keeping of agricultural animals or livestock.

a. No agricultural animals, farm animal, livestock, or agricultural type animal such as a chicken, horse, pig, goat, rooster, sheep, cow, turkey, duck, llama, donkey, duck, goose shall be permitted on any lot as a pet or for any purpose except as part of a permitted agricultural operation.

b. Buildings to house dairy cows, beef cattle, sheep, goats, or pigs shall not be located within 200 feet from any property line.

c. Buildings to house fowl or rabbits shall not be located within 75 feet of any property line.

d. Buildings to house any other type of agricultural or farm animal shall not be located within 100 feet of any property line.

e. No manure storage areas shall be located closer than 400 feet from a lot line.

Section 434. Keeping of bees.

- a. Bee keeping facilities shall be setback a minimum of 40 feet from any lot line and must be fenced within 100 feet of a lot line.
- b. Signs shall be erected to warn the public of the presence of bees.
- c. The keeping of bees must be done in such a manner as to prevent bees from entering streets, sidewalks, or other properties.

Section 435. Keeping of chickens.

- a. No more than six chickens are permitted on a property except when part of a permitted agricultural operation.
- b. No roosters are permitted on a property except when part of a permitted agricultural operation.
- c. All chickens must be housed in a predator resistant structure with access to outdoor spaces secured to prevent them from leaving the property.
- d. All structures and runs shall be setback at least 25 feet from an adjoining property and public street.
- e. Slaughtering of chickens is prohibited except when permitted as part of an industrial slaughterhouse.

Section 436. Lumber yard.

- a. Open yard stacking is permitted if the stacking is on stable ground with a leak proof cover or tarp underneath each stack. All stacks shall be regularly kept in an orderly manner. The height of stacks may not exceed 20 feet. Access roads must be spaced so that a grid system of not more than 50 feet by 150 feet is maintained to allow emergency access. The stack limits must be marked by boundary posts or painted boundary limits that indicate stacking limits.
- b. Open yard stacking shall be located with no less than 15 feet clear space from all onsite buildings and 50 feet from adjacent property lines.
- c. Storage areas shall be completely screened and enclosed by a chain link fence and properly locked gate not less than six feet in height, and the fence and gate must consist of screening material that has openings or gaps no greater than four inches in any dimension.
- d. A lumber yard shall be on a lot abutting an arterial or collector street.

Section 437. Manufactured or mobile home.

- a. A manufactured or mobile home may only be placed in accordance with this section and only in the C-1 Zoning District.
- b. A manufactured or mobile home shall be set on a concrete frost-free footer with skirting made of brick, block or concrete wall, and any towing tongues, wheels and axles shall be removed from the manufactured home and the home must be secured with a safety strap or cable to the concrete footer or steel cross support. Only under these conditions shall the manufactured or mobile home constitute a residence. The specifications of the footer and its depth shall be constructed under the applicable building code and pass a satisfactory inspection by the building inspector or building code official.

Section 438. Manufactured or mobile home community.

- a. The minimum lot area shall be five acres, which must be under single ownership.
- b. The maximum density shall be four homes or dwelling units per net acre.
- c. Each manufactured home or dwelling unit and any attached accessory structures shall be at least 35 feet from another manufactured home within the community.
- d. Access drives or driveways to individual manufactured homes shall be from interior private streets, which shall include the installation of curbing, sidewalks, and streetlights.
- e. A minimum of 30% of the total lot area shall be set aside and devoted as common open space for recreational purposes limited to use by the residents of the community and their guests. The common open space shall be maintained in perpetuity by the owner of the manufactured home community.

Section 439. Medical marijuana academic clinical research center.

- a. Off-Street parking regulations shall utilize those listed for an office.
- b. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The portions of the academic clinical research center where the medical marijuana is grown may not be in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- c. All external lighting must be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties.

d. A screened buffer is required where a medical marijuana academic clinical research center adjoins a residential use of a property. The screened buffer shall consist of a visually solid, tight fence not less than six feet in height and a natural wooded buffer or planting strip along the nonresidential use or zone that is at least six feet in height and five feet in width when planted to shield the residential uses from the proposed grower and processor facility. A landscape plan shall be required as part of the application.

Section 440. Medical marijuana delivery vehicle office.

a. Off-street parking regulations shall utilize those listed for an office.

b. The parking area where the delivery vehicles are to be stored shall be screened with a visually solid, tight fence. A fence plan shall be required as part of the application for conditional use.

c. Entrances and driveways must be designed to accommodate the anticipated vehicles used to enter and exit the premises.

Section 441. Medical marijuana dispensary.

a. A medical marijuana dispensary shall meet the same municipal zoning and land use requirements as other commercial uses located in the same district to comply with Section 2107(2) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016, as amended.

b. The use shall be conducted in an indoor, enclosed, permanent, and secure building. The use shall have a single secure public entrance that is not shared with any other use or user and shall not be located inside the same physical space or area of another retail commercial property. The use shall not have a drive-through or outdoor seating. All storage areas shall be separately locked. The medical marijuana may not be administered or consumed on site. The user shall implement appropriate security and surveillance measures as required by the Pennsylvania Department of Health (DOH).

c. A medical marijuana dispensary may not operate on the same property as a grower and processor of medical marijuana.

d. A medical marijuana dispensary may only dispense medical marijuana to patients and caregivers.

e. The use may not be located within 1,000 feet of the property line of a public, private, or parochial school or public, private, or parochial school or day-care center (“Protected Use”) unless a waiver is granted by the DOH. This distance shall be measured in a straight line from the closest exterior wall of the building in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located. A medical marijuana dispensary lawfully operating under the Medical

Marijuana Act 16 of 2016, shall not be considered in violation of this provision as a result of a later location of a protected use.

f. Permitted hours of operation shall be between 8:00 a.m. to 9:00 p.m. (local time) daily.

g. All external lighting serving medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

h. The required number of off-street parking spaces shall be one space for every 300 square feet of gross floor area.

i. The required number of loading spaces shall be one space for every 10,000 square feet of gross floor area or fraction thereof.

j. The user shall obtain a permit and approval from the DOH and provide a copy to the borough.

Section 442. Medical marijuana grower and processor.

a. A grower and processor of medical marijuana shall meet the same requirements as other manufacturing, processing and production uses located in the same zoning district, including minimum lot size (area and width), minimum yard dimensions (front, each side and rear), and maximum building coverage and height to comply with Section 2107(1) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

b. Medical marijuana may only be grown and processed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH.

c. Solid or liquid waste byproduct or remnants generated from the operation shall be stored in the enclosed secured principal building until picked up for transportation to a facility authorized to accept such waste.

d. Storage of medical marijuana waste remnants in an accessory building or waste refuse container located outside of the principal building is prohibited.

e. Growing and processing of medical marijuana shall be limited to wholesale products for sale to another medical marijuana facility. Retail sales of medical marijuana, including the operation of a medical marijuana dispensary on the same property as the growing and processing operation is prohibited.

f. A grower and processor facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center (“Protected Use”) unless

a waiver is granted by the DOH. This distance shall be measured in a straight line from the closest exterior wall of the building in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located. A grower and processor facility lawfully operating under the Medical Marijuana Act 16 of 2016, may not be considered a violation of this provision as a result of a later location of a protected use.

g. All outdoor lighting shall be directed away from public right of ways and adjoining properties so that the lighting does not present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or properties (nuisance glare). An outdoor lighting plan shall be required as part of the application for the use.

h. The required number of off-street parking spaces shall be one space for every 2,000 square feet of gross floor area, plus one space for every two employees on the maximum working shift.

i. The required number of loading spaces shall be one space for every 7,500 square feet of gross floor area. Loading areas shall be located within the principal building.

j. A screened buffer is required where a grower and processor facility adjoin a residential use of a property. The screened buffer shall consist of a visually solid, tight fence not less than six feet in height and a natural wooded buffer or planting strip along the nonresidential use or zone that is at least six feet in height and five feet in width when planted to shield the residential uses from the proposed grower and processor facility. A landscape plan shall be required as part of the application.

k. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from a grower and processor facility.

l. A grower and processor of medical marijuana must be legally registered with the Commonwealth of Pennsylvania and possess a current and valid permit from DOH.

Section 443. Mineral extraction.

a. The use, activity or any aspect of the operation shall be located not less than 1,500 feet from the nearest inhabited residence, place of worship, or any playground/park. The setback distance of the use, activity, or any aspect of the operation from surface water bodies, creeks, streams, and wetlands shall comply with the state mandated requirements.

b. Except for approved access drives (which shall be secured by locked gates, which may only be open during business hours), the premises shall be completely screened to protect public safety with an industrial gauge fence eight feet in height.

c. Signs shall be attached to the fence every 75 feet warning the public of the nature of the operation.

d. A buffer yard not less than 50 feet in width shall also be maintained with natural vegetative ground cover along all exterior lot lines that are within 300 feet of an area of excavation. This buffer yard shall include an earth berm with a minimum height of six feet and an average of one shade tree for each 50 feet of distance along the lot lines. The shade trees shall be planted outside of the required berm and fence. If substantial trees, vegetation, or forest exist within the required buffer yard, then new plantings in the buffer yard is not necessary provided that the existing trees, vegetation, or forest are well-kept, preserved, maintained, and adequately serve the purpose for which the yard was to be created.

e. The lot and operation shall be maintained so as not to constitute a private or public nuisance, or adversely impact the public health, safety, or welfare. The days and hours of operation, including excavation, blasting, and relating trucking, shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m., and Saturday from 8:00 a.m. until 3:00 p.m., local time.

f. The site shall contain a minimum of two access drives, each of which shall be not less than 24 feet in width, and all of which shall be improved in accordance with the borough's subdivision and land development ordinance and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. Access drives shall be located to prevent public safety hazards, dust, and noise.

g. All applications shall include a plan that evidences the measures to be taken by the operator to prevent dust, dirt, stone, or other debris from escaping from the facility onto any public property/street, or private property of another.

h. The applicant shall provide with the zoning application an estimated life expectancy for the proposed use; a plan for the productive use of the property once the life of the project has terminated; a proposed cost to reclaim the property and implement the future use; and a financial guarantee for implementation of that use.

i. The zoning applications shall contain the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection (DEP), as part of the state permitting process.

j. An asphalt, batch or concrete plant or processing operations shall constitute a principal use, not an accessory use.

k. The backfilling of a site with material other than with material from the site shall be considered a solid waste facility when the operator is being paid to accept the material or the site is being reclaimed with off-site material manufactured on site.

Section 444. Multi-family dwelling (apartment building).

- a. The exterior appearance of the building shall be so constructed and maintained to retain the residential character of the neighborhood.
- b. Fire escapes, when required, shall be in the rear of the building and may not be located on any side of the building or street.
- c. Service entrances, trash and garbage and drying yards shall be enclosed and screened from public view.
- d. A minimum setback of 20 feet is required adjacent to any portion of the property that adjoins an existing single-family dwelling.

Section 445. Multi-family dwelling (townhouses or rowhomes).

- a. Multi-family dwelling units shall have a maximum density requirement of not more than eight units per acre.
- b. The maximum length of a multi-family building shall be 160 feet.
- c. The maximum number of dwelling units per building shall be six.
- d. A minimum lot size of one acre with a width of not less than 200 feet is required.
- e. The minimum width of a multi-family building shall be 18 feet.
- f. Each unit shall have a minimum floor area of at least 800 square feet.
- g. The minimum setback from a multi-family dwelling unit from all exterior lot lines and street rights-of-ways is 40 feet.
- h. Each principal multi-family dwelling unit building shall be at least 50 feet from another principal building on the same lot.
- i. Design measures shall be used to seek an appropriate level of privacy in all rear yards. Such measures may include landscaped screening, compatible fencing, or earthen berm. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.
- j. Architectural drawings of multi-family dwelling units shall be provided with the zoning permit application.
- k. All off-street parking spaces, except spaces on driveways immediately in front of

carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.

l. A multi-family dwelling unit shall be designed so that garages and carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow units.

m. Clustered mailboxes shall be provided in one main location in an attractive structure accessible to the units.

n. When three or more principal multi-family dwelling unit buildings are proposed, a minimum of 10% of the total land area shall be dedicated to common open space. Building setback areas may not be calculated as part of the common open space. The required common open space shall be suitable for passive recreation, with appropriate landscaping, benches, paths, trails, parks, and playgrounds. Common open space shall be maintained by the developer and all future owners in perpetuity.

o. The subdivision of land into individual lots is not required when condominium ownership is proposed and offered.

Section 446. Nature park or preserve.

a. The use shall be conducted on a lot of at least five acres in size.

b. Exotic animals are prohibited.

c. Buildings and manure storage areas shall be at least 150 feet from a property line.

Section 447. No-impact home based business. A no impact home-based business or commercial activity must satisfy the requirements of this section.

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

b. The business shall employ no employees other than family members residing in the dwelling.

c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

d. There shall be no outside appearance of a business use, including parking, signs, and lights.

e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

f. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

h. The business may not involve any illegal activity.

Section 448. Oil and gas compressor station.

a. The minimum lot size shall be 10 acres.

b. A compressor station shall not be located closer than 2,500 feet from another compressor station.

c. No compressor station shall be located closer than 1,500 feet from any dwelling or school.

d. Compressors shall be located completely within an enclosed building. During periods of normal operations doors, windows and similar operations shall remain closed. Only electric powered compressors may be utilized.

e. A compressor station's noise level shall be equal to or less than 60 dBA at the property line for the oil and gas compressor station's site and all adjoining properties.

f. The application must provide the ESCGP-2 Plan and a post construction stormwater management plan prepared by a licensed professional engineer licensed in the Commonwealth of Pennsylvania.

g. Land development approval is required under the borough's subdivision and land development ordinance.

h. The operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored, or distributed on site to the municipality and its emergency management coordinator within 30 days prior to commencement of the use.

i. The operator shall provide an emergency management plan to the borough at the time of approval of the use. The plan shall be completed in coordination with the fire department.

- j. The operator shall provide and keep current a prioritized call list with names, emails, addresses and phone numbers for 24-hour emergency contact at the time of its application.
- k. The operator shall take measures to make certain that no mud, dirt, and debris is deposited onto streets.
- l. The site must be secured by a minimum eight-foot chain link fence with a locking gate that shall be kept locked when employees are not on site.
- m. Lighting shall be directed downwards and shielded to avoid glare on streets and adjacent properties.
- n. Compressor stations shall have adequate area improved with a dust-free all-weather surface which shall be provided on the site for parking.
- o. Operators shall take all measures necessary to make certain that dust does not emanate from the site.
- p. A buffer along all property lines of not less than 100 feet in depth planted with deciduous trees shall be maintained in such a manner as to obstruct the view from adjoining properties and public rights-of-way. It shall be the responsibility of the applicant and property owner to maintain all buffer yards in good condition, replacing any dying or dead plants or deteriorating landscape material.

Section 449. Picnic grove.

- a. All activity areas shall be a minimum of 250 feet from an existing dwelling on another lot.
- b. All parking areas shall be setback 100 feet from any residential lot line.
- c. The use may not operate between the hours of 11:00 p.m. and 7:00 a.m.
- d. Minimum lot area is three acres.

Section 450. Place of worship.

- a. A minimum lot area of not less than one acre shall be required for the use. The maximum lot coverage for all uses and buildings shall not exceed 60%.
- b. Religious instruction and educational rooms may be permitted within the principal building as accessory uses.

c. Rectories and convents shall also be permitted as an accessory use except that the building shall be treated as a principal building for compliance with the dimensional requirements of the zoning district where located.

d. Where the lot adjoins an existing residential dwelling unit, the parking area shall be screened along the property line adjoining the dwelling with either a fence or buffer landscaped under this ordinance.

e. The lot must have direct access by way of a collector or arterial street.

Section 451. Principal solar energy systems (PSES).

a. Compliance with industry standards. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

b. Installers. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for solar thermal installation.

2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.

c. Operating standard. Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards and any other codes under which the PSES was constructed.

d. Underground requirements. All on-site transmission and plumbing lines shall be placed underground.

e. Utility notification. The owner of a PSES shall provide the municipality with written confirmation that the public utility company to which the PSES will be connected has

been informed of the customer's intent to install a grid connected system and approved of such connection.

f. Signage. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided it complies with the nameplate and identification sign requirements of this ordinance.

g. Glare. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures, buildings, and roadways. The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

h. Noise study. A noise study shall be performed and included with the zoning permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES may not exceed 50dBA, as measured at the property line.

i. Buffer and screening requirements. A PSES shall be considered a land development and shall comply with the general buffer and screening requirements of this ordinance. In addition, no trees or other landscaping required as a condition of approval may be removed during the installation or operation of a PSES.

j. Contact information. The PSES owner or operator shall provide current contact information to the municipality which includes a phone number and identifies a responsible person for the municipality or public to contact regarding emergencies, inquiries, and complaints for the duration of the project. The contact information shall be conspicuously posted on the property so that a person would not believe they were trespassing while viewing it.

k. Emergency preparedness plan. The owner or operator shall furnish a written emergency preparedness plan outlining the procedures on how emergencies will be handled. The plan shall include the manner that the owner or operator will coordinate with local emergency service providers in the event of an emergency.

l. Solar easements. Where a solar easement is proposed by the owner or landowner for a PSES, a written agreement in recordable form constituting a covenant running with the land shall be provided to the borough as part of subdivision and land development. The borough shall not be a party to any agreement, nor an intended third-party beneficiary, and will not be responsible for enforcement or maintenance of any solar easement.

m. SALDO. All PSES shall constitute a subdivision or land development.

n. Decommissioning.

1. The PSES owner is required to notify the borough immediately upon cessation or abandonment of the use. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a continuous period of 12 months.

2. The PSES owner shall then have six months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, transmission and plumbing lines, roads, foundations, and other associated facilities from the property. The owner shall also restore the land to its original condition pre-dismantling condition. If the owner fails to dismantle or remove the PSES and restore the land within the six-month time-period, the borough may, but shall not be required to, complete the decommissioning and land restoration at the owner's expense.

3. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security to the borough to secure the expense of dismantling and removing the PSES and restoration of the land to its original condition. The financial security shall be in the amount of 110% of the costs of decommissioning. The decommissioning funds shall be posted and maintain during the life of the project in the form of a performance bond, irrevocable letter of credit, or other financial form of security acceptable to borough council.

4. An independent and certified professional engineer shall be retained by the governing body at the owner's cost to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment. Thereafter, the owner shall retain an engineer to provide the municipality with cost estimates of decommissioning after the first year of operation and every fifth year thereafter.

o. Ground mounted principal solar systems. Ground mounted PSES shall have a:

1. Minimum lot size of 10 acres.
2. Minimum setback at all property lines of 500 feet.
3. Maximum height of 18 feet.

p. Maximum building coverage. The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered part of the maximum building coverage.

Section 452. Principal wind energy facilities (PWEF).

a. Compliance standards.

1. The design of the PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL) Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of the borough. The applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations. The manufacturer specifications shall be submitted with the zoning permit application.

2. To the extent applicable, the PWEF shall comply with the PA Uniform Construction Code.

3. All electrical components of the PWEF shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

b. Noise.

1. The audible sound from a wind turbine may not exceed 45 A-weighted decibels and shall also not exceed 55 C-weighted decibels, as each is measured at the lot line of a property of a non-participating landowner within one mile or less from the nearest property line on which a wind turbine is located unless a written waiver is provided by the landowner. This requirement shall be a maximum noise level using a Lmax standard, and not based upon an average. Audible tones from electrical or mechanical components are prohibited. Measurements shall comply with ANSI/ASA S12.9 Part 3, Short Term Measurements with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI/ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.

2. The above maximum noise limits shall be reduced to 42 A-weighted and 52 C-weighted decibels between the hours of 10 p.m. and 7 a.m., local time. However, the noise limits shall not be reduced below 45 A-weighted decibels where the applicant provides evidence that the current continuous background sound level without the wind turbines would be higher than 42 A-weighted decibels. The continuous background sound level shall be determined per the methods of ANSI/ASA S12.9 Part3 and ANSI/ASA S12.100.

3. All required noise studies and testing shall be completed by a qualified independent professional having specialized expertise in noise analysis. The qualifications of the person conducting the analysis shall be included in the zoning permit application. ANSI standards shall be used for calibration of the noise meter.

4. With the zoning permit application, the applicant shall provide a written noise study that projects the maximum sound levels at the property line of the nearest five non-participating landowners, and that recommends measures that may be used to minimize noise impacts. The noise study shall document compliance with the A- and C-weighted decibels maximum level requirements of this subsection.

5. The applicant shall provide an independent written test of actual noise produced by the project upon completion, and every two subsequent years after the project is completed, to document compliance with the noise standards in this subsection. If the project will involve more than 10 total wind turbines, then the noise study shall also be completed after each 10 wind turbines are put into service. If the testing finds that the noise levels in this section are being violated, then the owner of the wind turbines shall immediately take the wind turbines out of service until such modifications, replacements, or repairs are made to the wind turbines as are required or necessary to make them comply with the noise levels of this subsection.

6. In addition to the noise studies provided above, at any time when the zoning officer has reasonable cause to believe that the noise limits of this subsection is being violated the zoning officer may request that an independent third party professional conduct tests to ascertain compliance with the noise limits. The facility operator shall assist with the tests.

7. If the borough institutes an enforcement action because of a violation of the noise limits, and if the facility owner is found liable for the violation in a civil enforcement proceeding, then in addition to any other rights or remedies available to the borough, the judgement shall require the facility owner to pay the borough's costs and expenses to prove non-compliance with the noise requirements, including the tests to determine the noise levels. Such costs shall be paid within 30 days by the facility owner after the final judgement. In the event the facility owner does not pay such costs within 30 days, the borough may pursue appropriate remedies at law or equity to recover such costs and expenses from the facility owner, including placing a municipal lien against the property upon which the project is located. Therefore, in any enforcement action, the landowner shall also be notified. By authorizing the facility owner to make application, the landowner consents to the ability of the borough to place a lien against the land in the event of a violation.

c. Vibrations. A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located. Wind turbines may not cause airborne vibrations which are perceptible to people or structures.

d. Accessory buildings, structures, and mechanical equipment.

1. When an accessory building or structure is necessary, it shall comply with the principal building requirements of the zoning district in which it is located.
 2. Accessory buildings, structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes under the buffering and screening requirements of this Ordinance. The buffer shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence or wall meeting the requirements of this ordinance may be used.
 3. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and existing environment.
- e. Underground requirements. On-site transmission and power lines between wind turbines shall be placed underground.
 - f. Utility notifications. The owner of a PWEF shall provide the borough with written confirmation that the public utility to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
 - g. Signage. PWEF shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner operator.
 - h. Lighting. PWEF shall not be artificially lit, except to the extent required by the Federal Aviation Administration, the Pennsylvania Department of Transportation Bureau of Aviation (BOA) or other applicable authority that regulates air safety.
 - i. Color.
 1. PWEF shall be painted a non-reflective, flat color such as white, off grey, or grey unless required to be colored differently by FAA or BOA regulations.
 2. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend the PWEF into the natural setting and existing environment.
 - j. Braking system. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation may not be considered a braking system for overspeed protection.
 - k. Shadow Flicker.

1. The applicant shall provide an analysis with a map of the shadow flicker impacts of the project upon any non-participating landowner's property that will be impacted by this effect. The analysis shall be conducted by a qualified professional using generally accepted modeling methods and shall estimate the number of hours per year that a non-participating landowner's property will be impacted by shadow flickering. No lot line of a non-participating landowner's property shall be affected by shadow flicker for a total of more than 20 hours per year, and no more than 30 minutes per day. Such analysis shall include recommendations for conditions to minimize the number of affected non-participating landowner's properties, the hours affected and the severity of the impacts from shadow flicker. This provision shall not apply to an affected property if a written and signed waiver is provided by the owner of said property.

2. A PWEF shall be designed in such a manner as to not cause shadow flicker on a roadway.

1. Location. No part of any PWEF shall extend over parking areas, access drives, driveways, or sidewalks. No blade or any component part of a PWEF shall extend beyond the boundaries of the zoning district in which it is located. Wind turbines shall be separated from each other by a minimum distance of five times the diameter of the rotors.

m. Insurance. The PWEF owner or operator shall maintain a current general liability policy covering:

1. \$1,000,000.00 of personal or bodily injury to or death of any person.

2. \$3,000,000.00 for personal or bodily injury to or death of any number of persons arising from any one occurrence.

3. \$1,000,000.00 for any instance of property damage.

4. An umbrella liability insurance coverage shall also be maintained with coverage to be not less than \$3,000,000.00 for each occurrence and \$3,000,000.00 in the aggregate. Certificates of insurance for the above required coverage shall be provided to the municipality annually.

n. Ice throw. The potential ice throws or ice shedding for a PWEF shall not cross the property line on which a PWEF is located nor impinge on any right-of-way or overhead utility line.

o. Electronic interference. The facility owner and operator shall ensure that the design and operation of any PWEF avoids any disruption or loss of radio, telephone, television, cell, Internet, VOR signalization for aircraft, or similar signals, and shall mitigate any harm caused by the wind energy facility.

p. Lot size. For a tract of land to be eligible for a PWEF, it shall have a minimum lot size of three acres for each wind turbine.

q. Setback Distances.

1. Wind turbines shall be set back from the nearest occupied building or non-occupied building on the participating landowner's property a distance not less than the setback requirements for the zoning district in which it is located for a principal building or two times the turbine height, whichever is greater. The setback distance shall be measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied building or non-occupied building.

2. Wind turbines shall be set back from the nearest occupied building or non-occupied building located on a non-participating Landowner's property not less than five times the turbine height, or 1,500 feet, whichever is greater as measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied or non-occupied building.

3. All wind turbines shall be set back from the nearest property line not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.

4. All wind turbines shall be set back from the nearest public road a distance not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

5. Each wind turbine shall be set back from above-ground power lines, public telephone lines and television cable lines a distance no less than two times its total height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on such lines.

6. Wind turbines shall be set back at least 1,500 feet from important bird areas as identified by Pennsylvania Audubon and at least 500 feet from identified wetlands.

7. The base of any wind turbine shall be setback 500 feet from the centerline of a perennial waterway and 2,000 feet from the average water level of a public water supply reservoir.

r. Height. The maximum wind turbine height may not exceed 450 feet and must comply with all regulations imposed by the FAA.

s. Visual impact and analysis. The applicant shall provide a visual analysis of the project. The analysis shall include a three-dimensional computer-generated surface model that accurately depicts the wind turbines in proper scale and location in relationship to the surrounding terrain from not less than 10 different locations within the borough. The 10 locations shall include any combination of public roads and public and/or private properties that may experience the greatest visual impacts. The applicant shall also be required to conduct a subsequent balloon test at the 10 selected locations to confirm the visual impact of the three-dimensional computer-generated surface model. Public notice as defined under the Pa MPC shall be required regarding the time and dates of balloon test.

t. Property values. The applicant shall submit an analysis by a qualified appraiser of the actual impacts upon residential property values of a similar set of wind turbines in a mostly rural community within the United States. Such analysis shall compare changes in property values of impacted dwellings to changes in property values of non-impacted dwellings over the same time-period. Properties within a one-mile radius of a wind farm shall be considered, as well as properties outside that radius. The study shall be completed by an appraiser who has an active MAI, SRA or SRPA certification from the appraisal institute. The appraiser must also have a Pennsylvania appraiser license.

u. Warnings.

1. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

v. Safety and security.

1. All access doors to wind turbines, including electrical equipment outbuildings and all appurtenances thereto shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

2. The minimum distance between the ground and any part of the wind rotor blade shall be 30 feet.

3. To limit climbing access, a six-foot high fence with a locking gate shall be placed around the PWEF.

4. Wind turbines' climbing apparatus shall be limited to no lower than 15 feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

w. Use of public streets.

1. The Applicant shall identify all public streets to be used within the borough to transport equipment and parts for construction, operation, or maintenance of the PWEF.

2. The borough engineer or a qualified third-party engineer selected by the borough and paid for by the applicant, shall document street conditions prior to construction. The documentation shall include photographs and video recordings of all approved travel routes to substantiate the report. The applicant shall ensure a borough official designated by borough council is present when photographs and video tapes are taken. Copies of the inspection report, photographs, and video tapes shall be submitted to the borough. The engineer shall document road conditions again 30 days after construction is complete or as weather permits. The applicant is responsible for all repairs and remediation of any damaged streets resulting from the installation or subsequent maintenance of a wind energy facility. Such repairs and remediation shall be completed with 30 days from the time of damage unless a greater amount of time is approved by borough council.

3. Any street damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

4. A bond shall be posted by the applicant to compensate the borough for any damage to borough streets in compliance with state regulations. An improvement and maintenance agreement shall also be entered into between the operator and the borough in a form acceptable to the borough solicitor to ensure that if any streets are damaged the operator shall be responsible for their replacement or repair.

5. The applicant shall demonstrate that it has appropriate financial security to ensure the prompt repair or replacement of damaged streets.

6. Every effort should be made to use existing logging roads. New deforestation and forest fragmentation must be kept to a minimum. Private entrance roads to PWEF shall be maintained in a mud-free condition.

x. Local Emergency Services.

1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including borough designated emergency service providers.

2. The facility owner and operator shall abide by all applicable local, state, and federal fire code and emergency guidelines.

3. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

4. The facility owner and operator shall maintain a phone number and identify a responsible person for emergency contact.

y. SALDO. All PWEF shall constitute a subdivision or land development.

z. Decommissioning.

1. The facility owner and operator shall complete, at their own expense decommissioning of the PWEF or individual wind turbines, and all related improvements, within 12 twelve months after the end of the useful life of the facility or individual wind turbines, or when the use has been discontinued or abandoned by the facility owner and operator. The PWEF or individual wind turbines will be presumed to be at the end of its useful life, discontinued or abandoned if no electricity is generated for a continuous period of 12 months.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, streets, foundations to a depth of 36 inches, transmission lines and any other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and receives written approval from the borough that the access roads, or other land surface areas not be restored.

4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). The estimates shall be submitted to the municipality after the first year of operation and every fifth year thereafter.

5. The facility owner or operator shall post and maintain decommissioning funds, representing a financial guarantee in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 110% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth of Pennsylvania chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania and is approved by the borough.

6. Decommissioning funds may be in the form of a performance bond, surety bond, irrevocable letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the borough.

7. If the facility owner or operator fails to complete decommissioning within the six-month period, then the landowner shall have six months to complete decommissioning.

8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the borough shall have the authority to take such measures as necessary to secure and utilize decommissioning funds to complete decommissioning activities. The entry onto and submission of evidence of a participating landowner agreement to the borough shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the borough may take such action as necessary to implement the decommissioning plan.

9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the borough to implement the decommissioning plan.

Section 453. Recreation, indoor.

- a. All recreation shall occur indoors.
- b. The minimum lot size shall be two acres.
- c. Any noise generated from the use shall not be heard outside of the building.

Section 454. Recreation, outdoor.

- a. The outdoor recreation activity shall be conducted no closer to any property line than the minimum required front yard for the zoning district in which the property is located.
- b. The outdoor recreation area shall be screened by a buffer area with a minimum of 10 feet in depth and six feet in height at the time of planting. The buffer area shall only consist of planted trees or shrubs permitted under this ordinance and shall surround the activity except for permitted access drives. The landscaped buffer area must be maintained in good condition. Natural forest or woods may be provided in lieu of a buffer area provided that the minimum depth of the forest or wooded area is at least 50 feet and is consistently thick enough to serve the purpose of a buffer area.
- c. Parking areas may not be located within any buffer area.

d. The minimum lot size for any outdoor recreational use shall be not less than three acres.

e. A restaurant, tavern, entertainment facility, or retail store shall be permitted accessory uses to an outdoor recreational use provided those uses are allowed in the applicable zoning district, and only when all the requirements for those uses have also been met.

f. The hours of operation shall be limited to daytime hours only, and any lighting shall be limited to the hours of operation only. The days and hours of operation shall be limited to Monday through Saturday from 7:00 a.m. to sunset. The facility shall not conduct any approved operations at any other times or days.

g. The use of loudspeakers or amplifying devices is prohibited.

h. When the outdoor recreation use is a shooting range then the following rules shall apply:

1. The shooting range shall be designed, constructed, and operated in strict compliance with state and federal laws. In addition, all target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.

2. All outdoor shooting stations shall be located a minimum of 500 feet from any property line, 750 feet from any agricultural operation that has farm animals and any residentially zoned undeveloped lot, and 1,000 feet from any occupied building of someone other than the shooting range owner.

3. The entire perimeter of the shooting range shall be enclosed by a fence whenever geographical features of the land allow so that access to the site is controlled to protect the safety of customers and the public.

4. The day and hours of operation shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m. No shooting is permitted at any other times and days.

5. General liability insurance shall be maintained by the owner or operator in the minimum amount of \$1,000,000.00 per occurrence.

Section 455. Retail sale establishment. Any use providing retail sales shall be conducted within a completely enclosed building, except for permitted sidewalk sale. No outdoor storage or display is permitted unless authorized by separate borough ordinance.

Section 456. Sawmill.

- a. The processing of cut trees from a property other than the property where the trees are being cut shall be conducted within a completely enclosed building that shall not exceed 5,000 square feet in total floor area.
- b. The building must be located not less than 150 feet from a lot line.
- c. Timber storage areas shall be completely screened and enclosed by a chain link fence and properly locked gate not less than six feet in height, which fence and gate must consist of screening material that has openings or gaps no greater than four inches in any dimension.
- d. Open yard stacking is permitted if the stacking is on stable ground with a leak proof cover or tarp underneath each stack. All stacks shall be regularly kept in an orderly manner. The height of stacks may not exceed 20 feet. Access roads must be spaced so that a grid system of not more than 50 feet by 150 feet is maintained to allow emergency access. The stack limits must be marked by boundary posts or painted boundary limits that indicate stacking limits.
- e. Open yard stacking shall be located with no less than 15 feet clear space from all onsite buildings and 50 feet from adjacent property lines.
- f. Storage areas shall be completely screened and enclosed by a chain link fence and properly locked gate not less than six feet in height, which fence and gate must consist of screening material that has openings or gaps no greater than four inches in any dimension.

Section 457. Schools.

- a. A school shall have outdoor recreational or play areas. The outdoor recreational or play areas shall be located not less than 150 feet from any residential lot line, or existing residential dwelling unit. Outdoor recreation areas shall not be located within the front yard and must be set back 25 feet from all lot lines. Any vegetative materials located within the outdoor recreation areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade, such as shade trees or a pavilion. Off-street parking lots shall not be used as outdoor play areas.
- b. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- c. All buildings shall be set back at least 100 feet from any adjoining lot.
- d. No part of the school lot shall be located within 1,000 feet of a property containing an adult use, betting use, or medical, therapy or treatment facility.

Section 458. Self-storage facilities.

- a. All storage shall be contained within a completely enclosed building.
- b. The maximum length of any building shall not exceed 300 feet.
- c. No activities including off-street parking shall be allowed within 30 feet of a property line abutting a district having residences as a principal permitted use.

Section 459. Shopping center or strip mall.

- a. All buildings shall be located to encourage pedestrian traffic and highlight architectural details of the buildings. There shall be no buildings, parking areas or other aboveground improvements within 30 feet of a street. The area within such setback shall contain a heavily landscaped berm having a minimum height of three feet measured from the level of the abutting street. There may be a reduction in the 30 feet setback to no less than 10 feet, provided that heavy landscaping and other features, such as brick walls, are located to reduce the visual impact of the parking lot from the abutting street.
- b. Off-street parking areas must be located around at least three sides of the building to reduce the overall scale of the parking lot.
- c. Pedestrian walkways shall provide access from the parking area to the primary building in such manner that pedestrian using walkways will be required to traverse the vehicular parking aisle to the minimum extent possible. Such walkways shall be located so that no customer entrance is farther than 100 feet from the nearest walkway. The walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, ground cover or similar materials to enhance the appearance of the walkway areas. Walkways shall be readily distinguishable from access drives and parking areas where they traverse such surfaces with the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or similar architectural treatments.
- d. Sidewalks are required along public rights-of-way. Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Out parcels shall be connected to each other, to the main shopping center and to the public sidewalk system by pedestrian walkways. Walkways shall connect focal points of pedestrian activity such as, transit stops, street crossings, building and store entry points, and parking areas. The walkways should feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials to enhance the appearance of the walkway areas and must have adequate lighting. This landscaping shall be credited toward the parking lot landscaping requirements.

e. Entrances shall include weather protection features such as awnings or arcades having a width at least double that of the doorways over which they are locate

f. In addition to meeting the minimum requirements for landscaping under this ordinance and the borough's subdivision and land development ordinance, any loading operations within view of a residential zoning district or a public right-of-way shall be screened by a landscaped berm or a solid wall with landscaping on the outside.

Section 460. Short-term home rentals.

a. Sufficient number of off-street parking spaces shall be provided on the rental property for tenants and their guests. On-street parking is prohibited.

b. Use or occupancy of recreational vehicles, trailers, campers, and tents is prohibited.

c. Outdoor overnight sleeping of tenants and their guests is prohibited.

d. Rentals shall comply with the borough adopted edition of the International Property Maintenance Code.

e. When the landowner is residing more than 20 miles from the rental, the landowner shall designate a local person, property manager or agent within 20 miles of the rental, as a local emergency contact person who has access and authority to assume management duties of the rental and take remedial measures. 24-hour contact information of the landowner and the manager or agent shall be provided to the zoning officer as part of the permit application.

f. The maximum number of overnight tenants and guests shall be limited to the density requirements for bedrooms as established under the borough adopted edition of the International Property Maintenance Code.

g. The maximum number of guests not staying overnight shall be limited to 50% of the maximum number of overnight occupants. The maximum occupancy limit shall be established at the time of application.

h. Proof of liability insurance by the landowner shall be provided to the zoning officer as part of the permit application.

Section 461. Small wireless facilities (SWF). An SWF shall comply with the requirements of this section.

a. SWF on a pole in a right-of-way (ROW). SWF on a pole in a ROW shall comply with the following requirements:

1. Height. SWF may not extend more than ten feet above the pole supporting them.
2. Installation. SWF shall be installed:
 - A. In accordance with the applicable building code in force at the time of installation.
 - B. Not be less than 1,000 feet away from the nearest other SWF, and not less than 250 feet from any residential dwelling unit located in the R-1, R-2, or R-3 zoning district.
 - C. On an existing pole that can support its weight and the weight of any co-located equipment.
 - D. Within the width of the existing pole to not exceed the diameter of the pole.
 - E. So that all equipment not to be installed on the pole must be located underground, flush to the ground, within three feet of the pole. Each installation is to have its own dedicated power source to be installed and metered separately.
3. Access. Wireless providers and their employees, agents, and contractors shall have the right of access to permitted poles, wireless support structures and small wireless facilities in the ROW in accordance with local and state highway occupancy permits and other ordinances applicable to doing work in the ROW.
4. Repairs. A wireless provider shall repair, at the wireless provider's sole cost and expense, any damage to public streets, sidewalks, curbs, gutters, trees, poles or other property, utility lines and systems, or sewer or water systems or lines resulting from the collocation of a small wireless facility in the ROW or the installation of a pole in the ROW. The wireless provider shall restore such areas, structures, and systems to substantially the same condition in which they existed prior to the damage.
5. Insurance. A wireless provider that has been granted approval to place an SWF in a ROW shall maintain in effect until removed, commercial general liability insurance and commercial automobile liability insurance covering the borough against claims, injury or damage to persons or property caused by the proposed work, in amounts of \$1,000,000 per occurrence and \$2,000,000 annual aggregate, and \$2,000,000 for each personal injury liability. On request of the borough, such wireless provider shall provide certificates of insurance or other evidence of the above coverage. A service provider may self-insure any required coverage provided the provider or the provider's parent company maintains a net worth of at least \$200 million.

6. Removal. Within ninety days following written notice from the zoning officer, a wireless provider shall, at the wireless provider's own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any SWF collocated on a pole or within a ROW whenever the zoning officer has determined that such action is necessary for the construction, repair, maintenance, or installation of any borough improvement in the ROW or for the operation of any other necessary utility in the ROW.

b. SWF on an existing structure outside of ROW. SWF on an existing structure outside of a ROW shall comply with the following:

1. Height. SWF may not extend more than 10 feet above the structure supporting them. The structure on which the SWF is mounted must be:

A. 50 feet or less in height; or

B. No more than 10% taller than other adjacent structures, or

C. Not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height of the collocation of new antenna facilities.

2. Installation. SWF shall be installed:

A. In accordance with the applicable building code in force at the time of installation.

B. Not be less than 1,000 feet away from the nearest other SWF, and not less than 250 feet from a residential dwelling unit not located on the property where the SWF is being installed.

C. On a structure that can support its weight and the weight of any co-located equipment.

D. Within the width of the existing structure.

E. So that all equipment not to be installed on the structure must be located underground, flush to the ground, within three feet of the structure. Each installation is to have its own dedicated power source to be installed and metered separately.

c. A SWF not in a ROW or on a structure (stand-alone). A SWF that is not mounted in an ROW or on an existing structure shall, in addition to all other applicable requirements, comply with the following:

1. The SWF must be installed in accordance with the applicable building code in force at the time of installation.
2. The SWF may not be more than 50 feet in height.
3. The SWF may not be located (measured from the base of the support structure):
 - A. Within 1,000 feet of another SWF.
 - B. On a property that has another principal building or use.
 - C. Within 100 feet from all lot lines.
4. All equipment not installed on the SWF must be located underground. Each installation is to have its own dedicated power source to be installed.
5. The SWF must be designed and constructed to be stackable (structurally capable of being increased in height) so that additional antenna arrays can be accommodated in addition to the arrays on the original permitted SWF to facilitate future co-location.
6. A fence, a minimum of eight feet in height and of a design to restrict unauthorized access, shall be installed around the SWF support structure and other equipment.
7. Existing vegetation on and around the lot upon which the SWF is to be located shall be preserved to the greatest extent possible. In addition, landscaping installation and maintenance may be required to screen as much of the support structure as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the SWF and support structure site from neighboring properties and the sight lines from prominent viewing locations. Any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping is permitted, if they achieve the same degree of screening as the required landscaping.
8. Access to the SWF and support structure shall be provided by means of a public street or easement to a public street in accord with a highway occupancy permit from the applicable issuing authority. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet, with a paved surface for its entire length. Access shall, if feasible, be provided along existing access points and drives.

d. Service provider required. No zoning approval shall be given for any new SWF until documentation is provided that a service provider has contracted for the use of the SWF. An applicant may apply for approval of the SWF, and any approval must be conditioned upon confirmation of use by the required service provider.

e. Location requirement and number. The applicant shall demonstrate by using technological evidence that the SWF and support structure must go where it is proposed to satisfy its function in its grid system. The number of SWF to be installed on a lot by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by the applicant or service provider.

f. Co-location, new tower. The applicant must demonstrate that the applicant contacted, in writing, the owners of all tall structures within a one-mile radius of the site proposed, asked for permission to install the SWF on those structures, and was denied. An approval may be denied for a new tower if the applicant has not made a good faith effort to mount the SWF on an existing structure. A good faith effort shall demonstrate that one or more of the following reasons apply to a structure:

1. The proposed equipment would exceed the structural capacity of the existing structure, and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure, and the interference cannot be prevented at a reasonable cost.

3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to enable it to provide service consistent with the provider's system requirements.

4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.

5. A commercially reasonable agreement could not be reached with the owners of such structures.

g. Stealth technology. Stealth technology is required to ensure the SWF is compatible with its surroundings. The applicant shall provide graphic information that accurately portrays the visual impact of the proposed SWF from various vantage points in all directions, including from all parks and playgrounds and designated scenic areas. This graphic information may be provided in the form of photographs or computer-generated images with the SWF superimposed. A balloon test may be required to confirm the visual impact.

h. Performance and maintenance guarantees.

1. Performance guarantee. Applicants for zoning permits shall submit, together with the application, financial security by way of certified funds or cashier's check, an irrevocable letter of credit, or performance bond in the amount of 110% of the estimated costs of restoration for any work performed in a ROW as determined by a professional engineer licensed in Pennsylvania hired by the applicant at applicant's cost and approved by the borough.

2. Maintenance guarantees. Upon completion of work, an applicant shall post maintenance security for a period of 12 months by way of certified funds or cashier's check, an irrevocable letter of credit, or a maintenance bond in the amount of 110% of the estimated costs of a possible replacement as determined by a professional engineer licensed in Pennsylvania hired by the applicant at applicant's cost and approved by the borough.

3. If the borough disapproves of an applicant's engineer's cost estimated for the posting of a guarantee, the borough may have its engineer prepare a cost estimate at the applicant's cost. In such case, the engineer for the borough's costs shall control for purposes of the guarantees under this subsection.

4. The performance and maintenance guarantees shall be posted in addition to the permit application fee and the reimbursement of inspection fees incurred by the borough.

i. Abandonment. The zoning officer shall require a wireless provider to remove a SWF permitted under this section within 180 days after the date that the SWF ceases to be used unless the wireless service provider gives reasonable evidence that the provider is diligently working to place the SWF in service. Should the wireless service provider fail to timely remove the SWF, the zoning officer may contract for the removal of the facility and recover the actual, reasonable cost of such removal from the wireless service provider.

j. Indemnification. A wireless service provider granted approval under this section shall defend, indemnify, and hold harmless the borough, its elected and appointed officials, council, boards, commissions, officials, officers, agents, contractors, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including court costs and reasonable attorney's fees resulting from the negligence of the wireless service provider and the service providers officers, agents, or employees in connection with the permitted work. This indemnity provision shall apply regardless of the merit or outcome of such claim or suit.

k. Fire control plan. The applicant shall provide a fire control plan including details about any fire suppression system proposed for any SWF. The plan shall be provided to the borough designated fire company for review and comment.

1. Fees. The fees for SWF are as follows:
 1. Initial application fee for an SWF is \$500.00 for single application covering up to five collocated antennas and \$100.00 per antenna thereafter.
 2. \$1,000.00 for application for a new pole.
 3. Recurring fees are \$270.00 per site per year, including both fees for use of the ROW and any fees for attachment to a permitted municipal facility.
 4. The fees may be changed from time to time by resolution of borough council.

Section 462. Solid waste facilities.

- a. The use, activity or any aspect of the operation shall be located not less than 500 feet from any street right-of-way, creek, stream, or wetland; and not less than 1,000 feet from the R-1, R-2, R-3 and C-1 Zoning Districts, or residentially zoned lot line where a residential dwelling unit, place of worship, school, day care, or public recreational activity is located.
- b. Burning and incineration is prohibited, except for an approved waste to energy facility.
- c. The property shall contain a minimum of three access drives, each of which shall be not less than 24 feet in width, and all of which shall be improved in accordance with the borough subdivision and land development ordinance and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. One of the access drives shall be restricted to use by emergency vehicles only and shall be clearly marked and identified. The application shall also be accompanied by a plan of the site that includes the location of access drives and proposed structures, and an emergency response plan to address potential safety concerns associated with the use.
- d. The lot shall be maintained so as not to constitute a private or public nuisance, or adversely impact the public health, safety, or welfare.
- e. A solid waste facility shall have a minimum lot area of 15 acres and a maximum lot area of 25 acres, whether developed initially or cumulatively, with a maximum total capacity to treat or dispose of 500 tons of waste per day.
- f. Except for the required access drives (which shall be secured by locked gates, which may only be open during business hours) the premises shall be completely screened by a wall or fence not less than eight feet in height and a planting strip not less than 10 feet in depth, with shrubbery, plants or evergreen trees which are a minimum of eight feet in height at the time

of planting. This area must then be suitably landscaped and maintained. In addition, an attendant shall be present during all periods of operation or dumping to ensure that:

1. Only authorized waste is accepted; and
2. The access drives remain unobstructed; and
3. Litter, garbage, and rubbish is collected from the site on a regular daily basis prior to the closing of business on each day.

g. The days and hours of operation shall be limited to Monday through Friday from 7 a.m. to 5 p.m. and Saturday from 8 a.m. to 4:00 p.m. The facility may not conduct any approved operations at any other times and days.

h. The operator shall take all necessary precautions to prevent litter, garbage, and rubbish from scattering off site, and shall regularly monitor the site and its surroundings collecting litter, garbage and other rubbish that may have escaped from the facility or trucks.

i. Dangerous materials such as radioactive, hazardous, or infectious waste may not be stored, processed, disposed of, or incinerated on site.

j. All loading and unloading of solid waste shall occur within an enclosed building, and over an impervious surface drain to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within an enclosed building or enclosed container.

k. All applications shall include an estimated life expectancy for the proposed use; a plan for the productive use of the property once the life of the project has terminated; a proposed cost to reclaim the property and implement the future use; and a financial guarantee for implementation of that use.

l. All applications shall include the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection, as part of the state permitting process.

Section 463. Temporary uses.

a. Construction trailer. The following rules apply:

1. A construction trailer is permitted on a lot if it is accessory to an active construction project and is removed upon completion of construction.

2. A construction trailer may only be used for storage and office purposes.

3. A construction trailer may not exceed 10 feet by 36 feet and must be well constructed with a steel door, vinyl-sided walls, and windows with an insulated rubber roof.

b. Food truck. The following rules shall apply:

1. A food truck may not:

A. Park, stand, stop, and operate:

i. In any public street, sidewalk, or right-of-way.

ii. In violation of the Pennsylvania Vehicle Code.

iii. On the same property where another food truck is lawfully operating.

iv. On any private property without the consent of the property owner.

B. Operate at a stationary location for a duration exceeding 10 hours during any 24-hour period.

C. Impedes vehicular or pedestrian traffic. A food truck must be parked to maintain the clear visual sight distance requirements of this ordinance.

D. Operate between the hours of 10:00 p.m. and 9:00 a.m.

E. Use any free-standing signage. All signage identifying or advertising the food truck must be safely affixed to the truck and must only advertise the name and products being sold or offered for sale on the food truck. All signage must comply with the sign requirements of this ordinance.

F. Contain lighting that illuminates any public right-of-way or adjoining property. Flood lights and lasers are prohibited.

G. Leave any waste receptacles out when the food truck is not in operation. However, every truck shall provide a portable waste receptacle for costumers and the owner of the food truck shall be responsible for proper and regular disposal of the receptable. A five-foot clear space must also be maintained around the truck, except for the required portable waste receptacle.

H. Drain wastewater on the ground, on any public street or private property, or in a public storm or sewer drain.

I. Project continuous music or repetitive sounds from the truck. Generator noise shall be minimized to not offend neighboring property owners.

J. Without a tagged fire extinguisher with a 10 BC rating and a Class K fire extinguisher kept accessible.

K. Without proper electrical power maintained and installed as per the International Electrical Code. The running of an extension cord from any residential dwelling for power is prohibited. Extension cords from a business may not run across areas accessible to the public.

L. Without public restroom facilities when providing outside seating. Where restrooms are required, the food truck operator must provide informational signs at the order window directing the public to the restrooms.

M. Without a minimum of four off-street or on-street parking spaces. All parking spaces shall be located within 100 feet of the truck. The food truck may not obstruct parking and access aisles.

N. Without comprehensive public liability insurance coverage for not less than \$300,000.00 in the event of bodily injury, including death, and, if applicable, and proof of worker's compensation insurance or an affidavit that the owner has no employees.

2. This subsection shall not apply to municipal or nonprofit sponsored special events such as "Valley Day", "Christmas in Conyngham" and church bazaars or picnics.

c. Retail sales from tent.

1. A tent for retail sale of such things as flowers and fireworks is permissible as a temporary use.

2. A plan shall be provided to show the layout for ingress and egress.

3. The tent shall be made of fireproof construction or nonflammable material and a fire extinguisher shall be available during hours of operation.

4. The tent shall be securely fastened to the ground by use of pegs or barriers. If pegs are used, the pegs must contain rubber caps and be clearly marked to avoid creating a tripping hazard. The tent shall be tied down to withstand wind loads of at least 115 miles per hour. Proof of wind load shall be provided at the time of application.

5. The tent must be removed immediately following the event for which it

was erected.

6. Any required state licenses shall be provided at the time of application.
- d. Other. All other temporary uses shall comply with the following:
1. The use or structure must be permitted in the zoning district where it is proposed to be located.
 2. The use or structure must meet the dimensional regulations of the zoning district where it is to be located.
 3. The use or structure may not adversely affect or interfere with the use and quiet enjoyment of adjoining or surrounding properties.
 4. The use or structure may not cause undue congestion or traffic hazards, or otherwise interfere with vehicular and pedestrian travel and parking and loading facilities.

Section 464. Theatre, outdoor, or drive-in.

- a. An outdoor theatre shall be on a lot abutting an arterial street or collector street.
- b. The minimum lot size shall be 10 acres.
- c. A driveway shall be provided with a minimum of 300 feet in length between the point of admission and the street right-of-way.
- d. A buffer yard shall be provided under Section 504 of this ordinance.

Section 465. Tiny house and tiny house developments.

- a. A tiny house shall have an exterior width of not be less than eight and a half feet and no more than 20 feet.
- b. A tiny house shall have a gross floor area of not be less than 170 square feet per occupant, but in no case more than a total of 1,100 square feet.
- c. The sleeping room area of a tiny house shall not be less than 120 square feet.
- d. A tiny house ceiling height shall not be less than 7 feet and the maximum house height may not be more than 25 feet.

e. A tiny house shall be serviced with public water and sewer and must include functional cooking, sleeping, toiletry, and living areas that support normal daily residential activities.

f. Tiny houses on wheels shall:

1. Be affixed to a permanent foundation. The foundation shall form a complete enclosure under the exterior walls, and be skirted with brick, block or concrete wall, and any towing tongues, wheels and axles shall be removed from the tiny house and the house must be secured with a safety strap or cable to the concrete footer or steel cross support. Only under these conditions shall the tiny house constitute a residence. The specifications of the footer and its depth shall be constructed under the applicable building code and pass a satisfactory inspection by the building inspector or building code official.

2. Not be designed to move under their own power.

g. Each tiny house lot within tiny house developments shall meet the following dimensional requirements:

1. A minimum lot size of 3,500 square feet.

2. Lot coverage shall not exceed 40%.

3. Minimum lot width may not be less than 30 feet.

4. Minimum lot setbacks for a tiny house within a tiny house development only shall be not less than 20 feet from a front yard, five feet from a side yard, and 15 feet from a rear yard.

Section 466. Trucking terminal.

a. The minimum lot area shall not be less than two acres.

b. Access drives shall have a width to accommodate the use but may not exceed 24 feet in width. Access drives must connect to a public street.

c. Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than 300 feet in width must be landscaped and maintained in good condition. No parking, loading, idling, storage of any kind, or trucking use shall be allowed within the buffer yard.

d. All truck idling of more than 15 minutes shall be prohibited, and no idling of trucks may occur between the hours of 10 p.m. and 6:00 a.m.

e. Parking of large vehicles on-street is prohibited.

Section 467. Veterinary clinic or hospital.

a. All activities shall be conducted completely within an enclosed soundproof building, and no objectionable odors shall be vented outside the building.

b. Buildings shall be located not less than 100 feet from all lot lines.

c. No incineration is permitted.

Section 468. Warehouse and distribution facility.

a. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited.

b. Access drives shall have a width to accommodate the use, but in no event shall any access drive exceed 24 feet in width.

c. No activities including off-street parking shall be allowed within 150 feet of a property line abutting a district having residences as a principal permitted use.

d. All truck idling for more than 15 minutes shall be prohibited.

e. Parking of large vehicles on-street is prohibited.

Section 469. Wireless communication facilities (WCF), non-tower and tower based. A WCF shall comply with the requirements of this section.

a. Tower based WCF requirements.

1. Height. Tower based WCF shall not exceed a maximum total height of 180 feet.

2. Principal Use. A tower based WCF shall be the only use on the lot.

3. Setbacks. A tower based WCF shall be setback:

A. A minimum of 110% of the combined height of the wireless support structure and antenna from all lot lines.

B. At least 1,500 feet from the nearest other tower based WCF, and not less than 500 feet from a residential dwelling unit.

4. Installation. A tower based WCF shall be installed in accordance with the applicable building code in effect at the time of installation.

5. Equipment buildings. Equipment buildings associated with a tower based WCF shall comply with the dimensional requirements for a principal building in the underlying zoning district.

6. Minimum lot size. The minimum lot size shall be two acres.

7. Co-location. Tower-based WCF shall be designed to accommodate future users. As a condition of approval for all tower based WCFs, the applicant shall provide a written commitment to allow other service providers to collocate antennae on tower based WCFs where technically and economically feasible.

8. Signage. Tower-based WCF shall include a posted sign at the location. Such signage shall include the ownership, contact name, and phone number in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising. Signage must also comply with the sign requirements of this ordinance.

9. Lighting. WCF shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

10. Noise. Except in the case of an emergency, where such noise standards may be exceeded on a temporary basis, a WCF shall be operated and maintained so as not to produce audible sound in excess 45 A- weighted decibels and 55 C-weighted decibels, as each is measured at the lot line of the property where the WCF is located. This requirement shall be a maximum noise level using a Lmax standard, and not based upon an average. Audible tones from electrical or mechanical components are prohibited. Measurements shall comply with ANSI/ASA S12.9 Part 3, Short Term Measurements with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI/ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.

11. Access. Access to the WCF and support structure shall be provided by means of a public street or easement to a public street in accord with a highway occupancy permit from the applicable issuing authority. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet, with

a paved surface for its entire length. Access shall, if feasible, be provided along existing access points and drives.

12. **Parking.** A minimum of two parking spaces shall be provided for a tower based WCF to be designed and constructed under the parking requirements of this ordinance.

13. **Fencing.** A security fence with a minimum height of eight feet shall surround any tower based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings.

14. **Stealth Technology.** The tower based WCF shall employ the most current stealth technology available to appropriately blend into the surrounding environment and minimize aesthetic impact. Tower-based WCFs shall employ stealth technology and the tower painted an appropriate color to harmonize with the character of the area and surrounding land uses. All equipment and accessory buildings shall be designed to blend into the environment in which they are situated.

15. **Landscaping Plan.** Tower-based WCF located shall submit a landscape plan. The plan must ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF shall be preserved to the maximum extent possible. Plant materials needed to form a visual screen shall be located along the perimeter of the security fence in accordance with the screening provisions of this ordinance. Ground mounted equipment associated with, or connected to, a tower based WCF shall also be screened from public view using landscaping, as required under the screening requirements of this ordinance.

b. **Non-tower WCF requirements.**

1. **Height.** Non-tower WCF shall not exceed a height of 20 feet above the structure upon which it is mounted.

2. **Installation.** Non-tower WCF shall be installed:

A. In accordance with the applicable building code in effect at the time of installation. Any applicant proposing a non-tower WCF, to be mounted on a building or other structure, shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure or building.

B. Not be less than 1,000 feet away from the nearest other non-tower WCF, and not less than 250 feet from a residential dwelling unit not located on the property where the non-tower based WCF is being installed.

C. So that all equipment not to be installed on the structure must be located underground.

D. On a structure or building not used as a residential dwelling.

3. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure to the maximum extent possible to minimize aesthetic impact.

c. Additional regulations for non-tower and tower based WCF.

1. No interference. No WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services.

2. No additional permit or approvals needed. The colocation, repair, or replacement of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining zoning approval. However, any increase in the height of the WCF or the wireless support structure shall require zoning approval under this section.

3. Indemnification. A wireless service provider granted approval under this section shall defend, indemnify, and hold harmless the borough, its elected and appointed officials, council, boards, commissions, officials, officers, agents, contractors, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including court costs and reasonable attorney's fees resulting from the negligence of the wireless service provider and the service providers officers, agents, or employees in connection with the permitted work. This indemnity provision shall apply regardless of the merit or outcome of such claim or suit.

4. Fire control plan. The applicant shall provide a fire control plan including details about any fire suppression system proposed for any WCF. The plan shall be provided to the borough designated fire company for review and comment.

5. Discontinuation. If the use of a WCF is planned to be discontinued, the owner shall provide written notice to the borough of the owner's intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed within 180 days of cessation of operations on the lot unless a time extension is approved by the borough. If the WCF and its accessory buildings and structures are not removed within 180 days of the cessation of operations on the lot, or within any longer period approved by the borough, the WCF and accessory buildings and structures may be removed by the borough or the landowner, if difference that the owner of the WCF, and the cost of removal shall be assessed against the owner of the WCF.

6. Bonding. The owner or operator of the WCF shall post and maintain funds

for removal of all structures associated with the WCF in an amount 110% of the identified removal costs, as adjusted over time. The removal funds shall be posted and maintained with a bonding company chosen by the WCF owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania and is approved by the borough. An independent and certified professional engineer licensed in the Commonwealth of Pennsylvania shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. The estimate shall be submitted to the borough after the first year of operation and every five years thereafter. If the borough disapproves of an applicant's engineer's cost estimated for the posting of a guarantee, the borough may have its engineer prepare a cost estimate at the applicant's cost. In such case, the engineer for the borough's costs shall control for purposes of the guarantees under this subsection.

**CHAPTER 5
SITE DEVELOPMENT STANDARDS**

Section 501. Accessory structures and uses.

a. Attached accessory structures. When an accessory roofed structure or building is attached to a principal building, the attached roofed structure or building shall be considered part of the principal building and shall comply with the dimensional requirements for a principal building under this ordinance.

b. Unattached accessory roofed structures or buildings. Unattached accessory roofed structures or buildings shall only be permitted in the side or rear yard of the lot having a principal structure and subject to the following requirements:

Type of Accessory Structure	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Setback from Principal Building	Maximum Height	Maximum Number Per Lot	Maximum Floor Area
Residential not more than 196 sf	3 feet	5 feet	10 feet	10 feet	1	196 sq. ft.
Residential more than 196 sf	5 feet	10 feet	10 feet	18 feet	2	2200 sq. ft.
Non-residential	12 feet	15 feet	10 feet	24 feet	2	2600 sq. ft.

c. Unattached accessory structures and uses. Unattached accessory structures and uses shall comply with the following requirements:

1. Accessory solar energy systems (ASES).

A. Compliance with industry standards. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the UCC, regulations adopted by the Pennsylvania Department

of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

B. Installers. ASES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

i. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.

ii. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

iii. For residential applications, a registered home improvement contractor with the Pennsylvania Attorney General's Office.

C. Maintain in good working order. Upon completion of installation, the ASES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the ASES was constructed.

D. Underground requirements. All on-site utility, transmission, and plumbing lines shall be placed underground.

E. Signage. The display of advertising is prohibited.

F. Glare.

i. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures, buildings, or roadways.

ii. The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

G. Solar easements. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant, owner, or landowner for an ASES, such matter shall be carried out as a private agreement among the parties

of which the borough shall not be a party. The borough shall also not be responsible for ensuring the maintenance or enforcement of any solar easement.

H. Roof mounted and wall mounted ASES.

i. A roof mounted or wall mounted ASES may be located on a principal or accessory building and subject to the following setbacks:

I. Wall mounted ASES shall comply with the setbacks for an accessory structure under this ordinance.

II. Roof mounted ASES may not extend beyond any portion of the roof edge.

ii. Height. ASES mounted on roofs or walls of any building shall be subject to the maximum height requirement specified for a principal building within the zoning district in which it is located.

iii. Code compliance. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the UCC and that the roof or wall must be capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

I. Ground mounted ASES.

i. Setbacks. The minimum yard setbacks from side and rear property lines shall comply with the required setbacks for a principal structure setback of the zoning district in which it is located.

ii. Ground mounted ASES are prohibited in front yards, between the principal building and the public street, excluding front yard locations which are located not less than 200 feet from the front property line.

iii. Height. Freestanding ground mounted ASES may not exceed 20 feet in height above the ground elevation surrounding the systems.

iv. Maximum impervious surface.

I. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall

be considered impervious and calculated in the percentage of impervious cover. ASES may not exceed the building coverage for the zoning district in which it is located.

II. If applicable, the applicant shall submit a stormwater management plan that demonstrates compliance with the borough's stormwater management ordinance.

v. Screening. Ground mounted ASES when located less than 50 feet from a property line shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screening shall be in accordance with buffer requirements of this Ordinance.

vi. Safety and warning signage. Appropriate safety and warning signage concerning voltage shall be affixed to ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

vii. Location restrictions. A ground mounted ASES may not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system, or in any other location on the property that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

2. Accessory wind energy facilities (AWEF).

A. Compliance standards. The layout, design, and installation of AWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Notske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the UCC and all applicable building and electrical codes of the municipality. The manufacturer specifications shall be submitted as part of the permit application.

B. Noise.

i. The sound produced by an AWEF shall not exceed 45 dBA L_{max} as measured at the property line at ground level.

ii. Methods for measuring and reporting acoustic emissions from AWEF shall be equal to or exceed the minimum standards for precision described in ANSI/ASA S12.9 Part 3, Short Term Measurements

with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI.ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.

C. Accessory building storage. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with accessory building requirements of this ordinance.

D. Underground requirements. All on-site utility, transmission lines, and cables shall to the maximum extent possible be placed underground.

E. Utility notification. The owner of an AWEF shall provide the borough with written confirmation that the public utility to which the AWEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid AWEF shall be exempt from this requirement.

F. Signage. The display of advertising is prohibited, except for the identification of the manufacturer of the system.

G. Lighting. AWEF may not be lit, except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.

H. Colored. AWEF shall be painted a non-reflective, flat color such as white or grey unless required to be colored differently by FAA or BOA regulations.

I. Braking system. AWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation may not be considered a sufficient braking system for overspeed protection.

J. Shadow flicker. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.

K. Location. No part of any AWEF shall extend over parking areas, access drives, driveways, or sidewalks.

L. Insurance. The owner of the AWEF shall provide evidence to the borough that the owner's insurance policy has been endorsed to cover an appropriate

level of damage or injury that might result from the installation and operation of the AWEF.

M. Ice throw. The potential ice throws or ice shedding for an AWEF may not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.

N. Electronic interference. The owner of the AWEF shall ensure that the design and operation of the AWEF avoids disruption or loss of radio, telephone, television, cell, internet, VOR signalization for aircraft or similar signals, and shall mitigate any harm caused thereby.

O. Warnings.

i. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers.

ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along guy wires up to a height of 10 feet above the ground.

P. Ground mounted AWEF.

i. The minimum lot size is two acres.

ii. The maximum height of an AWEF is 80 feet.

iii. The minimum ground clearance for an AWEF is 80 feet.

iv. An AWEF shall be set back from property lines, occupied dwelling, above ground utility lines, railroads, and rights-of-ways by a distance equal to or no less than one and a half times the total height of an AWEF.

v. No more than one ground mounted AWEF shall be permitted per lot or contiguous lots in common ownership.

vi. A ground mounted AWEF shall be prohibited in front yards, between the principal building and the street right-of-way. The minimum distance between the ground and the wind rotor blade shall be 20 feet.

vii. An AWEF shall be surrounded by a six-foot high fence if the AWEF is not otherwise rendered unclimbable up to 12 feet above the ground.

Q. Building mounted AWEF.

i. A building mounted AWEF may be located on any lot regardless of lot size.

ii. A building mounted AWEF shall comply with the height restriction of the zoning district in which it is located for a principal building.

iii. No more than one building mounted AWEF shall be permitted on a lot, or a contiguous lot in common ownership.

iv. The applicant shall provide evidence to the borough that the plans for a building mounted AWEF comply with the UCC and other adopted building.

3. Decks, patios, terraces, and open porches may be in the side and rear yards, not closer than five feet from a property line.

4. Fences and walls. A fence or wall shall be permitted in any yard subject to the following requirements:

A. Location. The posts or structural supports of a fence or wall shall at a minimum be located within the interior yard line to be enclosed so that the edge of the fence or wall is situated within or on the property line where it is being constructed. Walls and fences shall not be subject to any setback requirements.

B. Height (residential). Residential fences or walls shall have a maximum height of three feet in a front yard and six feet in the sides and rear yards. However, an open or ornamental fence may be erected to a height not exceeding eight feet in the sides and rear yards and four feet in the front yard, provided the ratio of the solid portion to the open portion may not exceed one to four.

C. Height (non-residential). Non-residential fences or walls shall have a maximum height of six feet in a front yard and eight feet in the sides and rear yards.

D. Materials. Fences shall be constructed with industry recognized materials designed to provide a permanent enclosure. Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. No barbed wire, electric, or other potentially injurious or hazardous material shall be used as fencing or attached to any wall or fence, except for an invisible pet fence or an electric fence used to keep farm animals. An open type of fence (such as picket or split rail) may not be erected when required by this ordinance to provide enclosure. The side of the fence facing an adjacent property or right-of-way may not depict any artwork, writings or pictures and must be a finished side.

5. Retaining walls. Retaining walls must be designed by a professional engineer registered in the Commonwealth of Pennsylvania and must contain adequate provisions for drainage. Any retaining wall exceeding six feet in height shall provide a continuous four feet high protective fence within one foot of the retaining wall edge and must comply with all requirements of the UCC. The use of retaining walls higher than six feet shall be permitted up to a maximum of 12 feet in height provided that:

A. The proposed height of the retaining wall is necessary to facilitate an efficient use of the lot and to protect an important or sensitive natural or cultural feature on the lot.

B. The applicant has submitted a written expert report from a professional engineer registered to practice within the Commonwealth of Pennsylvania. The expert report must conclude that the proposed retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern or underground utility lines nor interfere with any public rights-of-way.

C. The applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and vehicle movement areas to ensure adequate vehicle and pedestrian safety.

D. That the base of the retaining wall is setback a horizontal distance at least equal to its height from each lot line.

6. Satellite dish antenna (non-commercial). A non-commercial satellite dish antenna including amateur television and radio antennas shall be permitted as an accessory use in all zoning districts provided the following requirements are met:

A. A ground-mounted satellite dish antenna must be in the side or rear yard not less than 15 feet from a rear yard property line and 10 feet from a

side yard property line and cannot exceed an overall diameter of 12 feet or an overall height of 15 feet.

B. A roof-mounted satellite dish antenna is permitted provided it is less than three feet in diameter and properly attached to a roof or secured to a structure at a height of not more than four feet.

C. No more than one dish or antenna shall be permitted per dwelling unit.

D. No more than two dishes or antennas shall be permitted per non-residential building.

E. A satellite dish or antenna does not require a zoning permit under this ordinance.

7. Swimming pools, ornamental ponds, and wading pools (accessory/household).

A. Swimming pools generally.

i. Swimming pools, including spas and hot tubs shall be in the rear yard of a lot as an accessory structure or use.

ii. The swimming pool, including spas and hot tubs and all accessory buildings and structures such as a pool house, deck, and sidewalks shall be setback a minimum of 10 feet from all property lines. The setback shall include the deck, pad, or apron around the pool.

iii. All swimming pools capable of containing water to a depth, at any point, of 24 inches or more and all spas and hot tubs shall be enclosed, except that spas or hot tubs with a lockable safety cover need not be enclosed.

B. In-ground swimming pools.

i. Except for the portion of the swimming pool having direct access from a dwelling, the swimming pool, or the entire lot upon which the pool is located, shall be enclosed with a permanent fence not less than four feet in height, which includes an access gate secured with a lock.

ii. The fence shall not have any openings, holes, or gaps larger than six inches in any dimension, and if a picket fence is erected or maintained, the horizontal or vertical dimension of space between pickets

shall not exceed six inches. A dwelling house or accessory building may be used as part of the enclosure.

iii. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed when not in actual use, except that the door of any dwelling which forms a part off the enclosure need not be so equipped but must contain a lock. Pedestrian access gates shall open outward away from the swimming pool and shall be self-closing and have a self-latching device. Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

iv. Where a swimming pool has direct access from a dwelling, doors, and operable windows with a sill height of less than 48 inches, that provide direct access to the swimming pool through the wall shall be equipped with an alarm that produces an audible warning when the door or its screen or window, is opened.

C. Above-ground or on-ground swimming pools.

i. An above-ground swimming pool shall be enclosed with a permanent fence not less than four feet in height which includes a gate secured with a lock, or in lieu of a fence, a swimming pool barrier not less than four feet in height. The fence or swimming pool barrier may include the swimming pool wall or a building wall, which equals or exceeds a height of four feet. Swimming pool barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

ii. Access into an above-ground swimming pool which includes a deck shall also be secured by a gate with a lock. Above-ground swimming pools without access from a deck shall include removable or locking retractable steps or any similar device which prohibits uncontrolled access into the swimming pool when not in use. Shrubbery is not to be considered a barrier.

iii. Where a swimming pool has direct access from a dwelling, doors, and operable windows with a sill height of less than 48 inches, that provide direct access to the swimming pool through the wall shall be equipped with an alarm that produces an audible warning when the door or its screen or window, is opened.

D. Swimming pool filtration systems. Except for on-ground inflatable portable swimming pools, all other swimming pools shall have an operable filtration system utilizing chlorine, bromine, or some other disinfectant.

E. Pumping, draining, or backwashing of swimming pools. The pumping, draining, or backwashing of swimming pool water in such a manner as to cause it to spill onto a street or adjoining property is prohibited. No swimming pool water containing chlorine shall be permitted to be drained into the stormwater system, or any water of the Commonwealth of Pennsylvania.

F. Other regulations. Swimming pools shall conform to all manufacturer recommendation and specifications and all other state and federal regulations.

G. Ornamental pools or wading ponds. Ornamental ponds and wading pools are permitted accessory residential uses permitted by right, provided they comply with the following:

i. The use shall comply with the side and rear yard unattached accessory building setbacks under this Ordinance, even if not roofed, and the minimum front yard setbacks for a principal building in the zoning district in which the lot is located.

ii. No impoundment shall contain more than 500 gallons. No impoundment shall have a length or diameter exceeding 10 feet nor a maximum depth exceeding three feet.

iii. All ponds or wading pools shall be maintained to not pose a nuisance by reason of odor or the harboring of insects.

iv. No ponds shall be used for the commercial hatching of fish or other species.

8. Swimming pool, non-household.

A. The water surface shall be setback at least 50 feet from any existing dwelling.

B. Minimum lot area is one acre.

C. Any water surface within 100 feet of an existing dwellings shall be separated from the dwelling by a buffer yard meeting the requirement of this ordinance.

D. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.

E. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

F. The pool shall comply with the Pennsylvania Public Bathing Law, as amended, as applicable.

9. Tennis, basketball, or other courts. The court shall not be in a front yard, and no lighting shall shine directly beyond a boundary of the lot where the tennis court is located.

10. Outdoor woodfire burners. An outdoor wood fired burner shall:

A. Be located at least 150 feet from any building other than the building it is intended to serve.

B. Be installed under the UCC and in accordance with manufacturer's specifications and instructions, and laboratory tested and listed to appropriate safety standards such as (UL) (Underwriters Laboratories) and ANSI (American National Standard Institute) standards.

C. Demonstrate that the chimney of the outdoor wood fired burner is the greater of 30 feet in height or five feet higher than any occupied building within 300 feet not located on the lot on which the outdoor wood fired burner will be located.

D. Operated under the following requirements:

i. The only substance that may be burned in an outdoor wood fired burner is clean wood. The following shall not be burned in an outdoor wood fired burner:

I. Wood that does not meet the definition of clean wood.

II. Tires.

III. Lawn clippings or yard waste.

IV. Materials containing plastic.

V. Materials containing rubber.

- VI. Waste petroleum products.
- VII. Paints and paint thinners.
- VIII. Coal.
- IX. Any type of paper.
- X. Construction and demolition debris.
- XI. Plywood.
- XII. Particleboard.
- XIII. Saltwater driftwood.
- XIV. Manure.
- XV. Animal carcasses.
- XVI. Asphalt products.
- XVII. Used cooking oils.

ii. The outdoor wood fired burner shall be maintained and operated in compliance with all emissions of air quality standards promulgated by the U.S. Environmental Protection Administration (EPA).

iii. The emissions from the outdoor wood fired burner shall not be detectable beyond the lot on which the outdoor wood fired burner is located, interfere with the reasonable enjoyment of life or property of neighbors, cause damage to vegetation or property of neighbors, or be harmful to human or animal health.

iv. The outdoor wood fired burner shall not be operated before October 1 or after April 30 of each calendar year.

v. The installation must be inspected and approved by the fire chief and be installed in accordance with the International Fire Code.

11. Portable storage containers.

A. Upon any lot used for a principal residence, portable storage containers (or PODS) may be used, but only during construction, remodeling, or moving. The use of portable storage containers for permanent storage, storage of vehicles, junk, waste containment, or as a dwelling until is prohibited.

B. The use of PODS on a lot may not exceed 90 days during any calendar year. However, the zoning officer may issue a time extension if it can be shown that the nature of the proposed activity is ongoing and reasonable progress requires additional time with a definitive ending date. Such containers must not block any required sight clearances and shall be setback at least 10 feet from all lot lines.

12. Compost. The placement of compost is permitted in all zones based on building placement and setback requirements. Only waste materials from the site shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

13. Garage or yard sale. Garage, yard or moving sales are permitted in all zones without a zoning permit provided the lot upon which the sale occurs is improved with a principal residential dwelling unit and the number of sales are less than six per year. Each sale may not last for more than three consecutive days and each sale day shall be between the hours of 7:00 AM and 9:00 PM. All temporary signs must be removed at the end of the last day of the sale.

14. Unenclosed storage.

A. In any zoning district, the front yard shall not be used for the storage, display, or sale of any materials or for the rendering of any service, except as otherwise permitted by this ordinance and a permitted yard sale.

B. The outdoor storage of any material (except firewood used for residential purposes) in rear or side yards shall be subject to Section 501(b) above. Stockpiled materials shall not include any material strictly prohibited under this ordinance.

C. The outdoor storage and accumulation of garbage, refuse, junk, and junk vehicles for more than seven days shall be prohibited on any lot except as follows:

i. The storage of regulated solid waste that is temporarily stored in an appropriate container and is routinely awaiting imminent

collection and proper disposal, provided that the container is not overflowing or stored in a manner that would promote foul odors to be detected across property lines, that would harbor scavenging by rodents or other animals, or that would attract flies or other insects to the container.

ii. The storage of items routinely awaiting imminent collection for recycling that are temporarily stored in an appropriate container, provided that the container is not overflowing or stored in a manner that would promote foul odors to be detected across property lines, that would harbor scavenging by rodents or other animals, or that would attract flies or other insects to the container.

iii. The storage of junk vehicles in an area that is completely screened from view by a fence complying with Section 501(4) of this ordinance, and that the stored vehicle is not visible from public rights-of-way or adjoining properties. However, no more than one junk vehicle shall be permitted to be stored on a residentially used property, and then only if it complies with the screening requirements of this subparagraph.

iv. The storage of a single personal junk vehicle on a residentially used property that is awaiting the making of repairs for the purpose of rendering it operable is permitted provided that the vehicle shall not remain on the premises for such purpose for a period of more than 90 days.

D. This section is not intended and should not be interpreted as permitting a violation of the applicable edition of the International Property Maintenance Code.

15. Tree house. A tree house shall only be permitted in the rear or side yard in the R-1, R-2, R-3, and C-1 Zones when it is accessory to a residence and then only if the tree house is located at least 10 feet from all side and rear yard property lines. No permit is required for the construction of a tree house under this ordinance.

16. Removal of topsoil. Except when listed as a permitted use, the stripping and removal of topsoil from a lot shall not be permitted. Topsoil may be removed from areas of construction, grading, excavation, and other earthmoving activities, but shall be stored elsewhere on the lot and stabilized to minimize erosion. Upon completion of the earthmoving activities, the topsoil shall be redistributed on the lot.

17. Portable toilet. Portable toilets shall be allowed only as follows:

A. At construction sites for the use of workers while a building is under construction or a lot is being developed.

- B. Special events sponsored or approved by borough council.
- C. Municipal use.
- D. Seasonal use.
- E. Emergency use.

18. Repairs to vehicles. Repairs, including major automobile repair and minor automobile repair to motor vehicles, large vehicles, and small vehicles is prohibited on a street and in a front yard.

19. Parking of certain vehicles prohibited. Large vehicles and small vehicles shall not be stored or parked on a street and in a front yard.

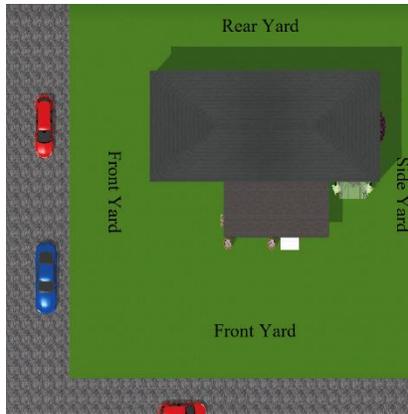
Section 502. Principal buildings.

a. No more than one principal building may be located on lot without special exception approval of the zoning hearing board. In considering whether the second principal building or use meets the special exception criteria, the zoning hearing board shall also make certain that:

- 1. The land and buildings are planned and designed as a single integral development consisting of shared parking, access drives, signs, and similar features.
- 2. All uses, if not the same, are similar in function and operation.
- 3. Each building will have compatible architectural features.
- 4. Each building shall meet the dimensional requirements of the zoning district upon which it is to be located.

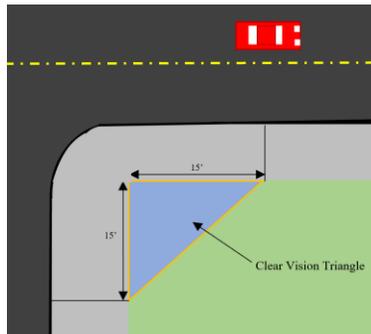
Section 503. Special lot and yard requirements.

a. Corner lot restriction. On a corner lot there shall be provided on each side adjacent to a street a yard setback equal in depth to the required front yard setback of the zoning district in which the lot is located. The following illustrates this requirement:



b. Clear sight vision requirements.

1. Corner lot. At a street intersection, a clear vision triangle shall be formed horizontally by measuring 15 feet along the roadway edges from the intersection of the roadway edges and connecting those points, and vertically by measuring between 3 feet and 10 feet above grade. The corner lot clear sight vision requirement is illustrated as follows:



2. Interior lot. Where a driveway enters the street right-of-way, a clear vision triangle shall be formed horizontally, by measuring 10 feet into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and 10 feet along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between 3 feet and 10 feet above grade.

c. Exception to height requirements. The maximum height requirements of this ordinance shall not apply to the following structures:

1. Chimneys, flagpoles, and other similar structures.

2. Structures located on the top of buildings above the roof level such as smokestacks, dormers, monuments, satellite dishes, electrical transmission lines and structures, solar energy collectors, steeples, water tanks, cupolas, skylights, ventilating fans, and other accessory mechanical appurtenances provided that such structures do not cover more than 50% of the roof on which they are located.

3. Ornamental, equipment, and other necessary mechanical equipment normally associated with a church or school.

4. Agricultural or industrial structures, such as barns, silos, grain elevators, water storage or cooling tanks, discharge stacks, or similar types of structures provided they are only constructed to the maximum height necessary to accomplish their intended purpose. In the case of industrial structures, the structure must be setback distances equal to the height of the structure from all property lines.

5. In no case shall any freestanding or roof-top structure above the maximum permitted height be intended for human occupancy or used for the purpose of providing additional floor space for any use.

d. Exception to minimum yard setbacks.

1. Front yards for principal buildings. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the lot is located, the front yard required may be reduced to a depth equal to the average of the principal buildings on the two adjoining improved lots.

2. Front, side, and rear yards for additions to principal residential structures. Where an addition is proposed for an existing principal residential building which extends into the required front yard, side yard or rear yard, the addition may extend into the required front yard, side yard, or rear yard no further than the existing building provided it is no closer than five feet to a property line and 10 feet from an adjoining street right-of-way line.

3. Lots on Main Street. Setbacks for all lots on Main Street are reduced so that a principal building may be located not less than 10 feet from a front yard lot line, five feet from a side yard lot line, and 15 feet from a rear yard lot line.

e. Structures allowed in yard areas. Subject to section 503(b) above, the following rules shall apply to structures allowed in yard areas:

1. The following structures are permitted in required yards provided they are located within the lot lines:

A. Light posts.

- B. Fences or walls.
 - C. Open fire escapes.
 - D. Retaining walls.
2. The following structures are permitted in yards and right of ways:
- A. Sidewalks and walkways.
 - B. Landscaping, trees, shrubs, and hedges.
 - C. Mailboxes.
3. The following structures are permitted to project into required yards as follows:
- A. Cornices, eaves, and other similar architectural features may project into a side yard no more than two feet. However, where a side yard exceeds a width of 12 feet, such extension may be increased by two inches for each one foot by which the yard exceeds a width of 12 feet.
 - B. Moveable outdoor furniture and play yard equipment.
 - C. Open patios that are not attached to principal buildings and do not have roofs, walls, or other enclosures may be in a side or rear yard no closer than three feet from any adjacent property line. A roofed patio not attached to a principal building that has walls or is enclosed shall be considered an accessory structure and shall meet the minimum setback requirements for an unattached accessory roofed structure or building under this ordinance.
 - D. Bay windows, terraces, uncovered stairways, necessary landings, balconies, canopies, handicap ramps, chimneys and stormwater inlets/outlets may project a distance not exceeding four feet provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
 - E. Fire escapes may project into side and rear yards a distance not exceeding four feet, six inches.
 - F. Porches, patios, decks, loading docks, breezeways and attached carports, whether enclosed or unenclosed, when attached to a principal building

shall be considered part of the principal building and shall not project into any yard.

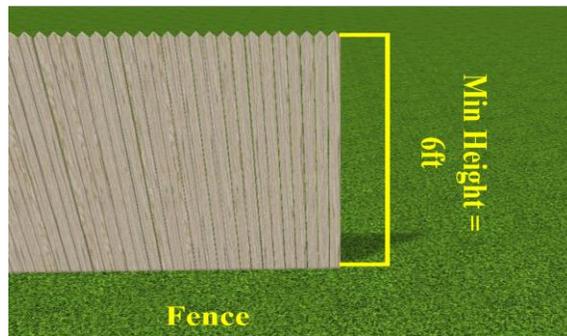
G. Fire escapes may project into a side or rear yard a distance not exceeding four feet six inches.

f. Exception to minimum lot widths. Flag lots are permitted to be created under this ordinance. In the case of irregularly shaped lots and flag lots, the minimum lot width shall be measured at the main portion or widest part of the lot.

Section 504. Screening, buffering, and landscaping requirements.

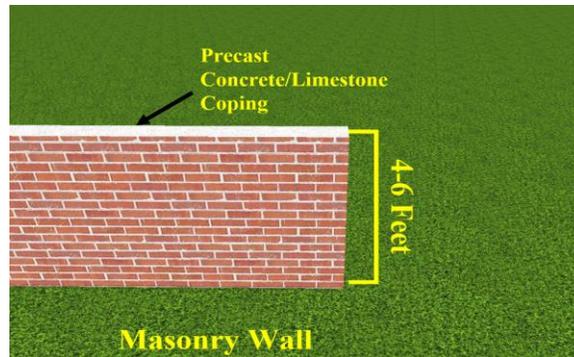
a. All nonresidential uses or structures that adjoin a residentially zoned lot or residential dwelling unit or when otherwise required by this ordinance shall provide one of the following on the nonresidential lot:

1. A visually solid and tight opaque fence not less than six feet in height screened to prevent the view from the residential use or zone.
The fence is illustrated as follows:



2. An opaque masonry wall of brick or stone (not concrete block) with a precast concrete /limestone coping not less than four feet and not more than six feet in height may be used provided it achieves the screening requirements of this subsection.

The masonry solid wall is illustrated as follows:



3. A planting strip along the nonresidential use or zone that is six feet in height and five feet in width when planted to shield the residential use and zone from the proposed nonresidential use. The planting strip shall be staggered and provide a substantial visual barrier. A landscape plan must be submitted with a zoning permit application. It is the responsibility of the landowner to maintain the planting strip in perpetuity. The planting strip must remain undisturbed and free from the accumulation and disposition of garbage, refuse, junk, and other debris. The maintaining of invasive plant species of Pennsylvania or noxious weeds are strictly prohibited within the planting strip. Every landowner shall destroy noxious weeds growing on a lot. Every landowner shall also cut and maintain grass and other vegetation on a lot so that it does not exceed six inches in height as required by the borough adopted edition of the International Property Maintenance Code.

An illustration of the method for staggering the planting strip is as follows:

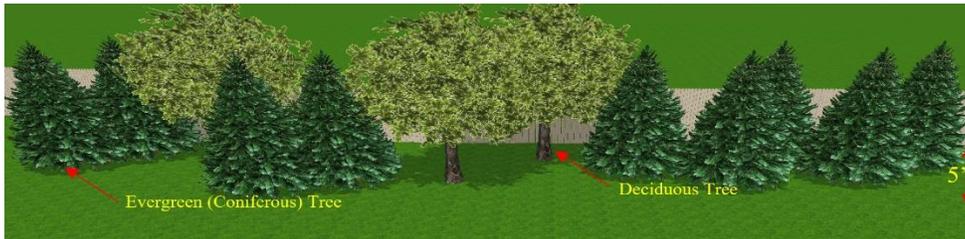


b. In the case of a land development, conditional use, special exception, or use variance, the approving body may require a planting strip consisting of deciduous or evergreen trees and a fence, or a planting strip of deciduous or evergreen shrubs and a wall depending on the type or intensity of the use. The following options are illustrated below:

Option A: Wall with shrubs



Option B: Fence with trees



c. The buffer and planting strip requirements of this section may also be required when a particular use requires a buffer or planting strip even though the use does not adjoin a residential use or zone.

d. The fence, buffer, or planting strip, whichever is required, must eliminate views within 100 feet from the property lines or road right-of-way (public or private).

e. Alternative types of plantings may be used to meet the screening requirements of this section, if approved by the approving body with a finding that the alternatives meet the purposes of this section.

f. A natural wooded buffer may be used as a substitute to a planting strip only when the existing woodlands are healthy and their minimum quantities and visual effect equal or exceed the required planting strip requirements of this section.

g. The screening requirements of this section are intended to eliminate the view and reduce the sound of certain nonresidential uses from residential uses or zones.

h. The screening requirements of this section shall only require a wall or fence at the option of the landowner in the B-1 zone.

Section 505. Lighting standards.

a. All outdoor lighting shall be directed away from public right of ways and adjoining properties so that the lighting does not present a hazard to drivers or pedestrians by

impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or properties (nuisance glare).

b. No direct reflected glare, whether from any lighting source or production operation, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

c. An outdoor lighting plan shall be required with a zoning permit application when outdoor lights are proposed or required. If the proposed use is permitted by special exception or conditional use, the applicant shall present the outdoor lighting plan as part of the application for a special exception or conditional use. If the proposed use is as of right but requires subdivision or land development approval, the applicant shall submit the outdoor lighting plan with the subdivision or land development plan for approval as part of the subdivision or land development plan. Outdoor lighting plans shall include a detailed grid of illumination levels, a calculation as to the average illumination levels, the number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, details as to how lighting will be recessed, shielded, and angled, when required, as well as details of any building or canopy-mounted lighting to show compliance with this section.

d. In no case shall illumination exceed 0.5 foot-candles measured at the lot line and 0.2 foot-candles at 10 feet from the lot line onto an adjoining lot. The amount of illumination projected onto a residentially zoned or used lot from another lot may not exceed 0.2 foot-candles at the lot line.

e. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling unit or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation does not apply to lights needed for air safety, lights intended solely to illuminate an architectural feature of a building, or lighting of outdoor public recreation facilities.

f. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings, and adjacent lots.

g. All light sources, including signs, shall be shielded around the light source, and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.

h. Flashing, flickering, or strobe lighting are prohibited.

i. Exterior lighting on an institutional, commercial, or industrial property may not cause a spillover of light onto a residential lot that exceeds 0.2 foot-candles at the residential

property line. Exterior lighting may not cause a nighttime spillover of light that exceeds five horizontal foot-candles onto a street.

j. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy shielded by the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

Section 506. Noise limits.

a. Except when a greater dBA is prescribed in another section of this Ordinance for a particular use, no use shall cause noise of more than the sound levels prescribed below at any point beyond a lot line of the lot upon which the use is to be located. For the purposes of this section, the noise level will be measured in decibels (dBA) which indicates the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.

Zoning District	Maximum Sound Level (Not to Exceed)
R-1, R-2, and R-3 Zones	60 dBA for more than one hour per 24 hours
MBI Zone	75 dBA
B-1, B-2, and C-1 Zones	65 dBA

b. Where two zoning districts in which different noise levels are prescribed share a common boundary line, the most restrictive maximum sound level shall apply.

c. The maximum sound levels do not apply to the following:

1. Noises emanating from construction or maintenance activities between the hours of 7:00 a.m. and 9:00 p.m.

2. Noises caused by safety signals, warning devices and other emergency-related activities or uses.

3. Transient noises emanating from moving sources, such as motor vehicles, aircraft, and trains.

4. Repair or installation of utilities or construction of structures, sidewalks, or streets between the hours of 7:00 a.m. and 8:00 p.m., except for clearly emergency repairs which are not restricted by time.

5. Household power tools, snowblowers, and lawnmowers between the hours of 7:00 a.m. and 9:00 p.m.

6. Agricultural operations.
7. Public celebrations specifically authorized by the borough or other governmental agency or body.
8. Unamplified human voices.
9. Routine ringing of bells and chimes by a place of worship.
10. Motor vehicles operating on a street.

Section 507. Riparian buffer.

a. Purpose. A riparian buffer shall be maintained along surface waters to protect and improve water quality. A riparian buffer shall maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain and ground water sources.

b. Buffer width. Except as required by 25 Pa Code Chapter 102, the riparian buffer shall be measured to be the greater of the limit of the 100-year floodplain or a minimum of 35 feet from the top of the streambank (on each side) or surface waters.

c. Minimum management requirements for riparian buffers.

1. Existing native vegetation shall be protected and maintained within the riparian buffer.

2. Invasive vegetation and noxious weeds shall be actively removed from the riparian buffer. The riparian buffer shall be planted with native trees, shrubs, and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the property.

d. Easement and recording. A riparian buffer shall be recorded as an easement and enforceable by the borough. The easement shall be recorded in the county recorder of deeds office, so that it shall run with the land and shall limit the use of the property located therein. A riparian buffer easement shall allow for continued private ownership.

e. Permitted uses. Permitted uses within a riparian buffer shall be limited to recreational uses and trails without structures and motorized vehicles to have the least impact on native plant species and other sensitive environmental features. A riparian buffer shall count toward the minimum lot area as required by this ordinance, except when this ordinance provides otherwise.

Section 508. Steep slope limitations.

- a. Slopes of more than 25% may not be regraded, except for a man-made slope.
- b. No earthmoving activities for construction of a building or structure shall occur on slopes of more than 25% in any zoning district without a variance.
- c. No lot shall be accessible by an access drive that has a grade of more than 15% without a variance unless the access drive is in existence prior to the adoption of this ordinance.
- d. A survey plan may be required by the zoning officer for enforcement and administration of this section. The plan must depict the existing and proposed contours of the lot, building and structure locations along with outer most perimeters of the proposed building area and any wooded areas to be removed or preserved.
- e. Where building or earth moving activities are proposed on a lot with slopes of more than 15%, the applicant must prove that the removal of healthy trees with trunk widths of more than eight inches measured at a height of three and a half feet above the ground level and other attractive natural vegetation will be minimized.

Section 509. Wetlands, seeps, vernal pools, and springs.

- a. If the borough has reason to believe that a lot or any portion of a lot contains wetlands that meet the state or federal definitions of a wetland, the landowner shall be required to provide an on-site study by a qualified professional licensed in the Commonwealth of Pennsylvania delineating the locations of the wetland on the lot. However, the borough accepts no responsibility to identify all wetlands or to warn parties of such possibilities. The presence of hydric soils, hydric vegetation typically found in wetlands or other hydrological indicators may be indicators of an area needing more detailed study. Information shall be provided to the municipality by the landowner to prove compliance with this Subsection.
- b. Any zoning approval granted is conditioned upon the applicant and landowner complying with federal and state wetlands regulations, and such permits may be revoked or suspended by the zoning officer for noncompliance with such regulations.
- c. In any area suspected of possibly including a spring, vernal pools or seep, the applicant and landowner shall have field research conducted on the lot to identify and map any springs or seeps to avoid their disturbance and maintain a setback of not less than 35 feet from the seep, vernal pools, and springs.

Section 510. Architectural standards for commercial and industrial buildings.

- a. Standards. The following standards shall apply to commercial and industrial buildings:

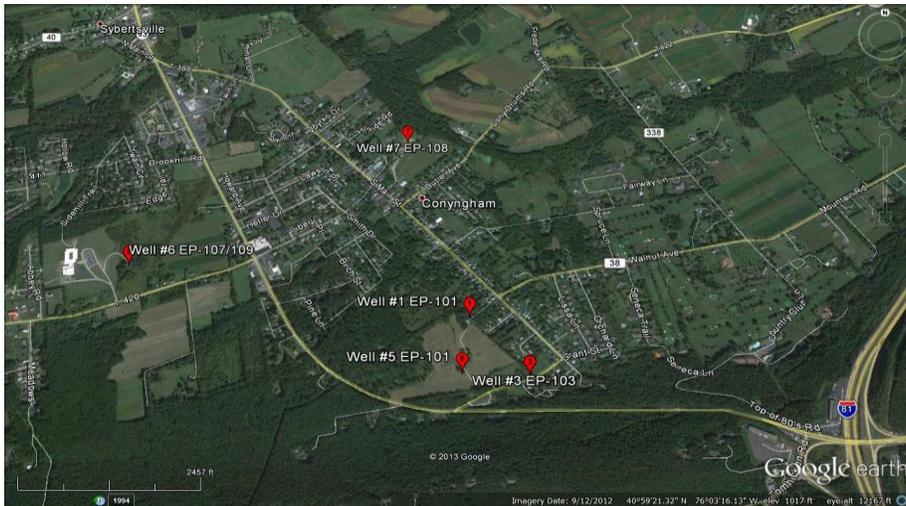
1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, glass, or comparable materials.
2. The front façade of the building should address its primary access street with entrances, windows, and architectural features facing the street. No overhead door or docking bay shall face the street unless it is screened from public view.
3. Windows fronting the buildings primary access street or entrances used by the public should cover at least 30% of the front façade and be at eye level. Windows may be constructed from reflective glass for office uses but shall not be used for retail stores of any kind.
4. Mechanical equipment, including heating, ventilating, and air conditioning equipment, and antennae, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops, it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment.
5. Dumpsters or large trash receptacles designed to be hoisted and emptied into a truck shall be screened from view.
6. Façade colors shall be of a low reflectance, subtle or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim may consist of brighter colors, but neon tubing as a building accent is prohibited.
7. The size and height of buildings shall be compatible with the character and existing views of the surrounding area.
8. All areas of the property shall be kept free of trash or litter.

Section 511. Wellhead protection areas.

- a. Authority.
 1. The borough is empowered, under the provisions of the Pennsylvania Municipalities Planning Code, as amended 53, P.S. §10101, to enact ordinances regulating development and land uses for the purposes of:
 - A. Protecting the public health, safety, and welfare.
 - B. Providing a safe, reliable, and adequate water supply.
 - C. Preserving aquifers.

2. The Pennsylvania Department of Environmental Protection, under Title 25 of the Pennsylvania Code, has developed a wellhead protection program empowering local governments with the responsibility for developing programs, including regulation and management controls, to protect groundwater supplies from contamination with mandatory well head protection areas.

b. Applicability. Well head protection areas are established within a 400-foot radius of the following wells that supply the public water system:



c. Prohibited uses and activities. The following principal and accessory uses are prohibited within a well head protection area:

1. Agricultural uses involving:
 - A. Animal kennels.
 - B. Animal feedlots and stores.
 - C. Fertilizer storage or use.
 - D. Irrigation sites.
 - E. Manure spreading areas or pits.
 - F. Pesticide storage or use.
 - G. Sawmills.
 - H. Roads, driveway, parking spaces and aisles and loading areas.

2. Commercial and institutional uses including:
 - A. Airports and heliports.
 - B. Automobile repair garages.
 - C. Automobile service stations.
 - D. Carwashes.
 - E. Cemeteries.
 - F. Contractor storage yards.
 - G. Furniture restoration activities.
 - H. Golf courses.
 - I. Laundromats.
 - J. Lumber yards.
 - K. Medical facilities, hospitals, and health care campuses.
 - L. Oil and gas compressor or metering stations and pipelines.
 - M. Research centers and laboratories.
 - N. Storage tanks.
 - O. Roads, driveways, parking spaces and aisles, and loading areas.
3. Industrial uses including:
 - A. Automobile storage, junk, and salvage yards.
 - B. Bulk fuel storage and sales.
 - C. Light or heavy industrial uses, involving asphalt, petroleum production or storage, chemical manufacturing or storage, pipelines, electronic manufacturing, septage lagoons and sludge, electroplaters, storage tanks, foundries, metal fabricators, toxic or hazardous waste, machine or metal working, mining or mine drainage, and wood preserving facilities.
 - D. Mineral extraction.
 - E. Solid waste facilities.

- F. Truck sales, services, terminal and stops.
 - G. Railroad, railroad tracks, or any form of public transportation.
 - H. Roads, driveways, parking spaces and aisles, and loading areas.
4. Residential uses involving:
- A. Fuel oil.
 - B. Household hazardous products or lawn chemicals.
 - C. Septic systems, holding tanks, or cesspools.
 - D. Sewer lines.
 - E. Swimming pools, above-ground or inground.
 - F. Storage sheds.
 - G. Private garages.
 - H. Roads, driveways, and parking areas.
5. Any uses and activities with future potential for sources of contaminants.

Section 512. Sewer. All buildings and uses generating sewage shall be connected to the public sewer if the building, use, or lot is within 150 feet of the public sewer, or to an approved, permitted and functioning on-site septic treatment system if the building, use, or lot is more than 150 feet from the public sewer system. During a moratorium, a holding tank approved by borough council is permitted. However, when sewer service becomes available within 150 feet of the building, use, or lot, the landowner shall be required to connect to the public sewer system.

Section 513. Water. All buildings and uses requiring, using, or consuming water shall be connected to public water if the building, use, or lot is within 150 feet of the public water system. An on-site well is permitted when a building, use or lot is more than 150 feet of the public water system. However, at any time public water becomes available within 150 feet of the building, use, or lot, then the landowner shall be required to connect to the public water system.

CHAPTER 6
NONCONFORMING USES, STRUCTURES AND LOTS

Section 601. Continuation of nonconforming uses, structures, and lots. Any lawful nonconforming use, structure, or lot which violates the requirements of this ordinance shall be permitted to continue subject to the requirements of this chapter.

Section 602. Nonconforming uses and structures (other than signs).

a. Abandonment of nonconforming use.

1. A nonconforming use may not resume if it is abandoned.

2. A nonconforming use continues until abandonment, which requires proof of an intent to abandon or actual abandonment of the nonconforming use.

3. An overt act to convert the use into another use shall be considered actual abandonment.

4. The discontinuance of the use for a period of more than 12 months creates a presumption that the use has been abandoned. The burden shall be on the landowner to rebut that presumption with evidence that the landowner did not intend to abandon the use.

b. Expansion of nonconforming uses and structures. An expansion of a nonconforming use or structure is permitted by special exception provided that the following are met:

1. Expansion of a nonconforming use in an existing building. A nonconforming use located within a building may be expanded throughout the existing building provided:

A. No structural alteration is made to the building except as may be required to maintain a building under the applicable property maintenance code and building code.

B. The number of dwelling units in a nonconforming building may not be increased unless the additional units are permitted in the zoning district in which the building is located.

C. A nonconforming use within a building may not be extended

outside of the building.

2. Expansion of a nonconforming structure.

A. The nonconforming structure may not be increased by more than 50% of the original total floor area.

B. The expansion may not create any new nonconformities.

C. A nonconforming structure may not extend onto an adjoining lot even if the adjoining lot has the same owner.

D. A nonconforming structure may not extend beyond the building setback requirements of this ordinance.

c. Reduction in size of a nonconforming structure. Any dimensional nonconformity may be reduced without zoning hearing board approval and with the issuance of a permit by the zoning officer, provided that the demolition reduces the dimensional nonconformity even if it does not eliminate the entire dimensional nonconformity.

d. Expansion of nonconforming use without a structure.

1. A nonconforming use may not extend onto an adjoining lot even if the adjoining lot has the same owner.

2. The nonconforming use may not be increased by more than 30% of the land area initially devoted to the nonconforming use.

3. The expansion of a nonconforming use or structure must meet the criteria for the granting of a special exception along with the other regulations of this ordinance.

e. Relocation of a nonconforming use or structure on the same lot. A nonconforming use or structure may be relocated by right with a zoning permit provided that the use or structure:

1. Remains on the same lot; and

2. Meets the dimensional regulations applicable to the zoning district in which the use or structure is located; and

3. Complies with the other applicable requirements of this ordinance.

f. Change of nonconforming use.

1. Change of nonconforming use to conforming use. Any nonconforming use may be changed to a conforming use, and once changed, the use may not be changed back to the previous nonconforming use.

2. Change of nonconforming use to another nonconforming use. A nonconforming use may not be changed to another nonconforming use unless the new use is like the previous use such as changing a sandwich shop to a pizza restaurant.

g. Restoration or replacement of nonconforming structure. A nonconforming structure that is damaged or demolished (whether involuntarily by flood, fire, explosion, or other disaster, or voluntarily by an act of demolition, or neglect) may be rebuilt in its same location provided that the work is commenced within 18 months from the date of the destruction.

h. Uses not considered nonconforming uses. Any structure or lot that is permitted by variance, special exception, or conditional use under this ordinance or any previous zoning ordinance shall be considered a permitted use or structure.

Section 603. Nonconforming lots.

a. Nonconforming lot requirements. A structure may be built on a lot of record legally existing as of the effective date of this ordinance even though the lot does not meet the minimum requirements for lot area or lot width as established for the zoning district in which the lot is located. However, the structure must conform to all other dimensional requirements for the zoning district in which it is located, including the minimum yard setbacks and maximum building coverage.

b. Merging of lots. Where two or more adjacent lots are nonconforming, but owned by the same person, the lots shall be considered combined to create a conforming lot or less of a nonconforming lot. Any lots considered combined under this subsection may not be sold separately. When a zoning permit application for the use or development of one or more of the nonconforming lots is made by the owner, the lots shall first be consolidated by the common owner under the borough subdivision and land development ordinance before the zoning permit is issued.

c. Lots in older subdivisions. If a non-conforming residential lot is part of a borough approved and recorded subdivision plan, and the front, rear, and side setback requirements were set forth on the recorded subdivision plan, then the lot may be developed according to the setbacks as stated on the subdivision plan instead of the setbacks set forth in this ordinance.

Section 604. Nonconforming signs.

a. Moving. A nonconforming sign may not be moved to another area of a building or lot without complying with the sign regulations of this ordinance.

- b. Repair. A nonconforming sign may be repaired provided the sign is not enlarged.
- c. Replacement. A nonconforming sign may be replaced provided that the sign:
 - 1. Is the same size as the prior sign; and
 - 2. Is in the same location.
- d. Discontinued. Whenever any use of a building, structure or lot is abandoned under section 602(a), any sign accessory to the use shall be removed within 90 days from the date of discontinuance of the use.

Section 605. Identification and registration of nonconformities.

- a. The zoning officer or a landowner may initiate the process of registering a nonconformity.
- b. The application for the issuance of a certificate of nonconformity shall be on a form provided by the borough.
- c. The zoning officer shall issue a certificate of nonconformity when the nonconformity is determined to be a lawful pre-existing nonconformity. Any documentation relied upon by the zoning officer in registering a nonconformity shall be attached to the certificate.
- d. When the zoning officer initiates the registration process, the certificate shall include the reasons why the zoning officer identified the nonconformity.
- e. The zoning officer shall prepare and maintain an accurate list of all nonconforming certificates.
- f. When the zoning officer denies a nonconforming certificate, an aggrieved person may appeal the determination to the zoning hearing board within 30 days from the date of the denial.

**CHAPTER 7
PARKING AND LOADING**

Section 701. Off-street parking requirements.

a. Applicability. The minimum off-street parking regulations of this section shall apply to:

1. Any new building.
2. Any existing building that is enlarged or relocated.
3. Any new use or change of use of land or a building.

b. Size of off-street parking spaces. Each off-street parking space shall have an area of not less than 200 square feet, being 10 feet in width and 20 feet in length, exclusive of access drives or aisles.

c. Minimum number of off-street parking spaces.

1. Minimum number of off-street parking spaces. Each specific use shall have the minimum required number of off-street parking spaces as provided in the table below:

MINIMUM OFF-STREET PARKING SPACE TABLE

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Residential Uses	
Single-Family Dwelling Unit	2 spaces for each dwelling unit.
Two-Family Dwelling Unit	2 spaces for each dwelling unit (minimum of 4 total).
Multi-Family Dwelling Unit	2 spaces for each dwelling unit plus .25 spaces for each dwelling unit.
Conversion to Two-Family or Multi-Family Dwelling	2 spaces for each additional unit plus the minimum number of required spaces for the existing dwelling unit, if any.
Dwelling Above Business	2 spaces for the dwelling unit plus the minimum number of required spaces required for the type of business.
Manufactured Home	2 spaces for each manufactured home.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Residential Uses	
Home Occupation	1 space for the home occupation plus the number of spaces required for the type of dwelling unit.
No-impact Home Occupation	Required number of spaces for the type of dwelling unit
Manufactured Home Community	2 spaces for each manufactured home.
Playground/Park	10 spaces for each acre of land.
Short-term Home Rental	Required number of spaces for the dwelling unit plus 1 space for each tenant and guest or the minimum required to prevent on-street parking, whichever is greater.
Student Housing	1 space for each student.
Commercial Uses	
Adult Care Center	1 space for each employee, plus 1 space for every five adults, based upon the maximum number of adults the center serves.
Adult Use	1 space for every 300 square feet of gross floor area.
Animal or Veterinarian Hospital or Clinic	5 spaces for each veterinarian or doctor.
Animal Daycare	1 space for each employee, plus 1 space for every five animals cared for daily.
Animal Kennel	1 space for each employee, plus 1 space for every five animals to be boarded.
Assisted Living Residence	1 space for every five beds, plus one space for each employee on the maximum working shift.
Auditorium, Arena, Performing Arts Center or Exhibition and Trade Show, Stadium	1 space for every three seats.
Automobile, Boat, Equipment, Home, and Recreational Vehicle Sales	5.5 spaces for every 1,000 square feet of gross floor area.
Automobile Parts and Supplies	4 spaces for every 1,000 square feet of gross floor area.
Automobile Repair Garage	5 spaces for every 1,000 square feet of gross floor area.
Automobile Service Station	3 spaces for each service stall, bay and gas pump, plus 1 space for each employee on the maximum working shift.
Automobile Storage Compound	1 space for every six vehicles capable of being impounded, plus 1 space for each employee.

Bank or Financial Institution	1 space for every 300 square feet of gross floor area for walk-in only, or 1 space for every 200 square feet of gross floor area with a drive thru.
Banquet Hall	1 space for every three seats.
Bar	1 space for every two seats, plus 2 spaces for every three employees on the maximum working shift.
Beauty Salon or Barber Shop	2 spaces for each employee
Bed and Breakfast	1 space for each room, plus 1 space for each employee and resident employee.
Betting Use	1 space for every two seats, plus 2 spaces for every two employees on the maximum working shift.
Boarding or Rooming House	1 space for each room, plus 1 space for each permanent resident.
BYOB Club, Bottle Club or Night Club	14 spaces for 1,000 square feet of gross floor area, which includes outdoor decks, patios and seating areas.
Campground or RV Park	1 space for each site plus one space for each employee
Car Wash	2.5 spaces for each bay or stall.
Cemetery or Mausoleum	1 space for every 15 gravesites.
Check Cashing Business	1 space for every 300 square feet of gross floor area.
Child Care Center	1 space for each employee, plus 1 space for every five children, based on the maximum number of children the center serves.
Coffee Shop or Tea Room	1 space for every two seats plus one for each employee
Community Center	1 space for every three seats.
Construction Company or Tradesperson's Principal Office	1 space for each employee.
Contractor Storage Yard	1 space for each employee.
Convenience Store	4 spaces for every 1,000 square feet of gross floor area.
Conversion from a Residential to a Permitted Commercial Use	Required number of spaces for the intended commercial use
Convenience Store with Gas station	4 spaces for every 1,000 square feet of gross floor area, plus one space for each gas pump.
Dance, Gymnastics or Martial Arts Studio	1 space for every 2 students plus one for each employee.
Drive-In/Thru Use	1 space for every 100 square feet of gross floor area for a use other than a drive thru financial institution or restaurant.
Emergency Services	1 space for every 100 square feet of gross floor area.
Essential Services	1 space for every employee.

Family Child Care Home	The minimum number of spaces for the dwelling unit plus one space for every two children able to be cared for in the home.
Farmer's Market	3 spaces for each stand.
Feed Store	1 space for every 300 square feet of gross floor area.
Fitness Club	1 space for every 300 square feet of floor area.
Flea Market, Auction House, Fairground, or Outdoor Theatre	1 space for every eight fixed seats, plus 1 space for every 100 square feet of assembly area.
Floral Shop	1 space for each employee, plus 4.
Funeral Home	1 space for every 100 square feet of gross floor area.
Furniture Restoration	1 space for each employee, plus 2.
Garden Center	1 space for every 300 square feet, plus 1 space for every employee.
General Office	2.5 spaces for every 1,000 square feet of gross floor area.
Golf Course	4 spaces for each hole, plus 1 space for each employee.
Grocery Store	5 spaces for every 1,000 square feet of gross floor area.
Group Child Care Home	1 space for every three customers, plus 1 space for each employee.
Group Home	1.5 spaces for each bedroom.
Half-Way House	1.5 spaces for each bedroom.
Health Care Campus	1 space for every 100 square feet of floor area.
Heliport	2 spaces for each helipad.
Hookah Lounge	1 space for every two hookahs plus one space for each employee.
Hospital	2.2 spaces for each bed.
Hotel or Motel	1 space for each sleeping room up to 250 rooms; 0.75 for each sleeping room between 251 and 500 rooms; and 0.50 spaces for each sleeping room over 500.
Institutional Group Home	1 space for each bed plus 1 space for each employee.
Laundromat or Clothes Cleaning Laundry, Neighborhood	1 space for each washing machine, plus 1 employee space.
Library	1 space for each employee, plus 10.
Lumber Yard or Hardware Store	1 space for every 300 square feet of gross floor area.
Massage Services with Licensed Health Care Professional	1 space for each licensed health care professional, plus 1 space for each employee.
Massage Services without Health Care Professional	2 spaces for each masseuse.

Medical Facility	3.5 spaces for 1,000 square feet of gross floor area.
Medical Marijuana Academic Clinical Research Center	3.5 space for 1,000 square feet of gross floor area.
Medical Marijuana Delivery Vehicle Office	1 space for every vehicle, plus 1 space for each employee.
Medical Marijuana Dispensary	1 space for every 300 square feet of gross floor area.
Membership Club or Social Hall	1 space for every 100 square feet of gross floor area.
Mini-Warehouse or Self Storage	1 space for each storage unit, plus one space for each employee.
Nursing Home	1 space for every three beds, plus 1 space for every four employees.
Pawn Shop	1 space for every 100 square feet of gross floor area.
Personal Care Home	1 space for every two beds, plus 1 space for every employee on the maximum shift.
Personal Service Establishments	1 space for every 150 square feet of gross floor area.
Pharmacy	1 space for every 300 square feet of gross floor area.
Picnic Grove	1 space for every 3 guests.
Place of Worship	1 space for every three seats.
Playground/Park	10 spaces for every acre of land.
Professional Office	2 spaces for each professional, plus 1 space for all other employees.
Public Governmental Use	1 space for every 100 square feet of gross floor area.
Radio or Television Studio	1 space for each employee.
Recreational Facility (Indoor)	1 space for every 100 square feet of gross floor area.
Recreational Facility (Outdoor)	1 space for every three seats; 5 spaces for each green, tee or hole; 3 spaces for each court; 5 spaces for every 1,000 square feet of gross floor area; 9 spaces for each employee; or 10 spaces for every acre, whichever is applicable and greater.
Rehabilitation Facility	1 space for each employee, plus 1 space for each bed.
Restaurant Take-Out	1 space for each employee, plus 6 spaces.
Restaurant with Drive-In or Drive-Thru	1 space for every 80 square feet of gross floor area.
Restaurant without Drive-In or Thru	1 space for every 100 square feet of gross floor area.
Retail Sales Establishments	1 space for every 150 square feet of gross customer floor area.
Riding Stable	1 space per stable.
Sawmill	1 space for each employee, plus 5 spaces.
School	1 space for each staff member, plus 1 space for every 20 classroom seats for elementary or secondary schools; and 1 space for each staff and

	faculty member plus one space for every 5 classroom seats for colleges, universities, post-secondary, trade, or vocational schools.
School with Dormitory	1 space for each staff and faculty member, plus 1 space for every 10 classroom seats.
Secondhand Store	1 space for every 150 square feet of gross floor area.
Self-Storage Facility	1 space for every 10 units, plus 1 space for each employee.
Shopping Center	4 spaces for every 1,000 square feet of gross floor area.
Smoke Shop (Sales Only No Smoke Room)	1 space for every 300 square feet of gross floor area.
Smoke Shop (Sales with Smoke Room)	1 space for every 150 square feet of gross floor area.
Swimming Pool, Commercial	1 space for every 3 users, plus one space for each employee.
Tattoo Parlor/Body-Piercing Studio	2 spaces for each employee.
Tavern, Brewery Pub and Micro- Brewery	1 space for every two seats, plus 2 spaces for every three employees on the maximum working shift.
Taxidermist	1 space for each employee, plus 2.
Theatre (Indoor Movie or Live-No Adult Use)	0.3 spaces for each seat.
Theatre (Outdoor-No Adult Use)	1 space for each seat or 100 square feet of gross public assembly area.
Treatment Facility	3.5 spaces for every 1,000 square feet of gross floor area.
Wellness and Fitness Center	2.7 spaces for every 1,000 square feet of gross floor area.
Wholesale Establishment	1 space for every 300 square feet of gross floor area.
Energy Uses	
PSES	1 space for each employee post construction.
PWEF	1 space for each employee post construction.
Oil and Gas Operation or Compressor Station	1 space for each employee.

Industrial Uses	
Bulk Fuel Storage	1 space for each employee.
Crematorium	1 space for each employee.
Heavy Industrial	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees.
Industrial Hemp Production	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees.

Junk or Salvage Yard	1 space for every 1,000 square feet of gross floor area, plus 1 space for every employee.
Light Industrial	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees on the maximum shift.
Mineral Extraction	1 space for each employee, plus 12 spaces.
Solid Waste Facilities	1 space for every 1,000 square feet of gross floor area, plus 1 space for every employee.
Truck Service Center, Repair and Storage	5 spaces for every 1,000 square feet of gross floor area.
Trucking Terminal	1 space for every 1,000 square feet of gross floor area, plus 1 space for every employee.
Warehouse and Distribution	1 space for every 2,000 square feet of gross floor area plus 1 space for every two employees on the maximum shift.
Agricultural Uses	
Agribusiness	1 space for each employee.
Agricultural Operations	1 space for every employee.
Agricultural Related Business	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees.
Agritourism	1 space for every eight fixed seats, or 1 space for every 100 square feet of assembly area, whichever is greater.
Greenhouse and Nursery	1 space for each employee plus 1 space for every 300 square feet of gross retail floor area.
Hemp Grower or Processor	1 space for every employee.
Medical Marijuana Grower and Processor	1 space for every employee.
Nature Preserve	1 space for every employee plus 1 space for each visitor or guest.
Tree Farm or Orchard	1 space for every employee, plus 10 spaces.
Water Withdrawal, Ground	1 space for each employee.
Winery	1 space for each employee plus 1 space for every 300 square feet of gross retail floor area.
Utilities	
Essential Public Utility Services, Enclosed	1 space.
Fiber Optic Switch Facility	2 spaces.
Sewage Treatment Plant	1 space for each employee on maximum shift plus 1 space for every 1,000 square feet of gross floor area.
WCF, Tower-Based	3 spaces.

2. Exception to minimum parking requirements in the B-1 zone. The required minimum number of off-street parking spaces may be supplemented with on-street parking spaces in the B-1 zone. However, the applicant must prove that number of supplemented on-street parking spaces are available for the proposed use before they could be used in the calculation of the minimum parking requirement.

3. Uses not listed in the Minimum Off-Street Parking Space Table. When this ordinance does not provide a minimum required number of off-street parking spaces for a use, the use shall require a minimum of one off-street parking space for every 100 square feet of gross floor area, plus one space for each employee.

4. Use of certain residential areas in calculation of minimum number of off-street parking spaces. For single-family, two-family, and multi-family dwelling units, parking areas in driveways may be used in calculating the required number of minimum off-street parking spaces. However, parking areas in garages may not be used in calculating the required number of minimum off-street parking spaces.

5. Multiple uses. Where a proposed lot has more than one use, the number of parking spaces required shall be the sum of the parking requirements for each use.

6. Fraction of a space. When the required off-street parking calculation results in any fraction, the fraction shall be calculated to require another additional off-street parking space.

d. Location of off-street parking.

1. Except as provided below, the required number of off-street parking spaces for any type of use shall be located on the same lot as the principal use.

2. The required number of off-street parking spaces may be located on an adjoining lot provided that the adjoining lot is:

A. Less than 300 feet to the nearest lot line of the lot where the principal use is located; and

B. Held under common ownership, or a long term written lease agreement is in place for the use of the adjoining lot for parking; and

C. The adjoining lot's parking is not the minimum required for the principal use of the adjoining lot.

e. Layout of off-street parking.

1. Off-street parking spaces shall be permitted in any yard area unless limited to a side or rear yard by this ordinance for a specific use. However, parking spaces may not be in a required buffer yard.

2. If the parking spaces are in a side or front yard, then the off-street parking spaces shall comply with the clear sight vision requirements of section 503(b) of this ordinance.

3. All off-street parking areas shall be designed, constructed, and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out onto any public right-of-way, except for a residential dwelling with its access onto a local street; a lot on Main Street; or a lot in the B-1 zone.

4. Every required off-street parking space shall be designed so each motor vehicle may proceed to and from the parking space without requiring the moving of any other vehicle.

f. Construction of off-street parking areas.

1. Pavement and drainage.

A. All required parking areas and spaces shall be paved with a concrete or bituminous paving material except that residential parking may be left grass or stoned.

B. All required parking shall be properly graded and drained to dispose of all surface water properly under the borough's stormwater management ordinance.

C. All non-residential parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated from major pedestrian routes within the lot whenever possible.

D. All areas for non-residential off-street parking and the movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All non-residential parking areas shall be separated from the street by a grass or landscaped strip of land.

2. Marking of spaces.

A. All signing and striping installations for non-residential parking must comply with the borough’s subdivision and land development ordinance and must be designed to ensure safe and efficient traffic flow in or about any parking area. Painted curbs, loading spaces and passenger drop-off areas may not be part of any required parking.

B. Vehicular off-street non-residential parking spaces will be clearly outlined with a minimum of four inches of lines painted on the surface of the parking area.

C. Parking spaces for the disabled must be striped and marked according to the applicable state standards.

3. Lighting. All off-street parking areas shall be adequately illuminated if designed for use by five or more vehicles after dusk. All lighting must comply with the lighting requirements of this ordinance.

g. American with Disabilities Act (ADA) accessible off-street parking spaces.

1. Number of spaces. When parking spaces are provided for self-parking by employees and visitors, or both, accessible parking spaces complying with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be provided in each parking area in conformance with the following:

Total Parking in Lot	Minimum Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total

1,001 and over	20 plus 1 space for each 100 over 1,000
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2. Location of spaces. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

3. Minimum size. Except as required otherwise by state or federal law, a minimum of one van accessible parking space shall be required for every six required accessible parking spaces or fraction of six such spaces.

4. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and pavement markings. Signs must state that a fine is possible for unauthorized use so that it is enforceable by law enforcement.

h. Parking lot landscaping.

1. One deciduous tree shall be required for every 10 off-street parking spaces. The trees for 10 or less parking spaces may be planted around the parking area.

2. If a lot will include 20 or more new off-street parking spaces, landscaped islands shall be provided within automobile parking areas. An illustration of this requirement is as follows:



3. Trees required by this subsection shall meet the following standards:

A. Type of trees permitted. Required trees shall be of the approved types below, unless the applicant proves that another type would more attractive and better to shade paved areas, and resist disease, road salt and air pollution.

i. Perimeter trees shall consist of larger shade trees (because perimeter planting areas are typically wider, providing more space to grow) such as:

Botanical Name	Common Name
Acer rubrum	Red Maple
Quercus prinus	Chestnut Oak
Tilia cordata	Little Leaf Linden

ii. Interior trees shall have a tolerance for alkaline soils and harsh conditions such as:

Botanical Name	Common Name
Gleditsia Triacanthos var Inermis	Honey Locust
Zelkova serrata	Japanese Zelkova
Ulmus parvifolia	Lackbark Elm

iii. To promote overall tree health, no more than 25% of the total planted trees shall be from one species.

B. Quality of trees. Required trees shall be:

- i. Free of insects and disease.
- ii. Tolerant to harsh conditions including drought, salt, pollution, excessive heat, and compacted soil.
- iii. Low in maintenance and produce minimal debris.

C. Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater at the time of planting.

D. Planting and maintenance. Required trees shall be:

- i. Planted in conformance with good landscaping practices, with adequate unpaved surface around each tree for water and air; and
- ii. Properly protected by curbs, curb stops, distance, or other device to prevent damage from vehicles; and

iii. The placement of light fixtures and signs must be coordinated to avoid conflicts with tree plantings.

i. Lighting parking area fixtures shall meet the Illuminating Engineering of North America (IESNA) cutoff criteria (not have more than two and one-half percent of their light output emitted above 90 degrees at any lateral angle around the fixture).

1. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes, and other fixtures not meeting IESNA cutoff criteria is prohibited.

2. Fixtures shall be equipped with light directing devices such as shields, visors, or hoods when necessary to redirect offending light distribution.

3. Lighting standards in public parking areas shall be a minimum of five feet outside the paved area, behind curb stops or on reinforced concrete pedestals at least 30 inches in height above the pavement.

4. Lighting fixtures may not be mounted greater than 25 feet above grade.

5. All newly constructed electrical feeds shall be underground.

Section 702. Parking of large vehicles and construction vehicles and equipment.

a. Except as provided in section 702(b) below, no large vehicle shall be stored, parked, or repaired on any street or in a front yard.

b. The parking of a truck of up to 15,000 pounds aggregate gross vehicle weight is permitted in a front yard provided it is parked within a driveway and owned by the occupant of the residence.

c. Except when necessary for on-site construction, the parking or storing of construction vehicles and equipment that is not primarily intended for on-road use may not be stored overnight in the R-1, R-2, R-3, and C-1 zones.

d. See definition of large vehicles under this ordinance.

Section 703. Off-street loading requirements.

a. Applicability. The minimum off-street loading space regulations shall apply to:

1. Any new building.

2. Any existing building that is enlarged or relocated.

3. Any new use or change of use of land or a building.

b. Off-street loading spaces required. Every commercial, industrial, or other non-residential building, which requires the receipt or distribution by tractor trailer of goods, products, materials, or merchandise shall provide required off-street loading spaces.

c. Size of off-street loading spaces. Every required off-street loading space shall be not less than 45 feet in length, 12 feet in width, and provide an overhead vertical clearance of not less than 14 feet.

d. Location of loading spaces. Loading spaces shall not be located within:

1. A public right-of-way; and
2. A required minimum parking space; and
3. A front yard; and
4. 10 feet of any side or rear lot line.

e. Minimum number of off-street loading spaces. A minimum number of off-street loading spaces must be provided for the following use groups in the Off-Street Loading Space Table:

TYPE OF USE:	GROSS FLOOR AREA:	MINIMUM NUMBER OF SPACES REQUIRED:
Commercial Uses	Less than 10,000 sf	1 space
Commercial Uses (cont.)	10,000 sf to 25,000 sf	2 spaces
	Over 25,000 sf	3 spaces
Institutional and Recreational Uses	Less than 20,000 sf	1 space
	20,000 sf to 50,000 sf	2 spaces
	Over 50,000 sf	3 spaces
Heavy and Light Industrial and Warehouse Uses	Less than 10,000 sf	1 space
	10,000 sf to 50,000 sf	2 spaces
	Over 50,000 sf	3 spaces
Other	Less than 15,000 sf	1 space

	15,000 sf to 30,000 sf	2 spaces
	Over 30,000 sf	3 spaces

6. Exception to minimum off-street loading space requirements in the B-1 zone. In the B-1 zone, on-street loading in lieu of having to provide required off-street loading when the applicant could prove that on-street loading could be done safely and sufficient space is available during the times and days when loading will occur.

7. Layout of off-street loading spaces. All loading spaces shall be designed, constructed, and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out of the public right-of-way. Each space shall be laid out to avoid conflicts with parking and traffic movements within and outside of the lot.

8. Construction of off-street loading spaces. All off-street loading spaces shall be paved with a concrete or bituminous paving material and shall be properly graded so that surface water is properly drained under the borough's stormwater management ordinance.

9. Lighting. All loading spaces shall be adequately illuminated.

Section 704. Parking aisle regulations. Each aisle providing access to off-street parking spaces shall have the following angle and minimum aisle width:

Angle of Parking	Minimum Aisle Width One-Way Traffic	Minimum Aisle Width Two-Way Traffic
45 degrees	12 feet	18 feet
60 degrees	15 feet	18 feet

Section 705. Driveway standards.

a. All driveways shall conform to the following minimum cartway widths:

1. Single family residential 10 feet
2. One-way-non-residential 20 feet
3. Two-way-non-residential 30 feet

b. All driveway widths and turning radii shall conform to the Pennsylvania Department of Transportation (PennDOT) criteria for a given type of driveway and street, as well as the type and speed of vehicles, at all public street intersections.

c. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry.

d. All portions of driveways shall be surfaced with asphalt, concrete, or paving block, except a dust free surfaces shall be provided when clearly intended for residential or agricultural use, or where the nonresidential use will have low or seasonal usage.

Section 706. Fire lanes and fire protection service access.

a. Fire lanes shall be provided where required by state or federal regulations or other local ordinances.

b. Access shall also be provided so that fire protection equipment can reach all sides of principal non-residential buildings and multi-family dwelling units with more than eight units. This access shall be able to support a loaded fire pumper truck but does not need to be paved.

c. The specific locations of fire lanes and fire protection service access are subject to review by the borough fire chief and approval of borough council.

Section 707. Lot access. After the effective date of this ordinance:

a. No structure shall be erected on a lot unless the lot is adjacent to a public or private street or has access to a public or private street by way of a legally recorded easement or right-of-way agreement granting the landowner where the structure is to be constructed the right of access from and to a public or private street.

b. No lot shall be created unless it abuts a public or private street or has a permanent legally recorded agreement granting the landowner the right of access to a public or private street.

CHAPTER 8 SIGNS

Section 801. Sign regulations.

a. Exempt signs. The following signs are not subject to the regulations of this chapter and do not require a zoning permit:

1. National or state flags.
2. Window displays, or other signs erected inside a structure or that cannot be seen from outside a structure.
3. Government signs and other signs required by a governmental agency authorized for a public purpose by law, statute, ordinance, regulation, or policy.
4. Athletic scoreboards, or any other sign advertising a sponsor and erected in a public park, playground, or recreational facility such as the signs attached to the outfield fences in a baseball field.
5. Warning signs, no trespassing signs, no parking signs, towing signs, and other similar signs if they are constructed in accordance with state law and do not exceed two square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four-square feet.
6. Parking lot directional signs containing no advertising either erected pursuant to an approved land development plan, or signs otherwise designating parking area entrances and exits limited to one sign for each entrance and exit and not exceeding four square feet in gross surface area for each exposed face and not exceeding five feet in height.
7. Parking lot and loading zone instructional signs either erected pursuant to an approved land development plan, or signs otherwise identifying a parking lot area and not exceeding eight square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen square feet, and not projecting higher than 10 feet for walls signs and seven feet for ground signs.
8. Memorial signs such as grave markers that are not commercial in nature and erected for the purpose of remembering a person or an event.
9. Name and address signs identifying the name and address of the owners or occupants, including those signs erected for 911 purposes provided that the signs do not

exceed two square feet in gross surface area for each exposed face and having an aggregate gross surface area of four-square feet.

10. Holiday signs, which are erected as a decoration to temporarily display a traditionally accepted civic, patriotic, or religious holiday related to observance of the civic, patriotic, or religious holiday.

11. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two square feet in gross surface area for each exposed face and not exceeding four square feet in aggregate gross surface area.

12. Permanent, non-flashing signs, on gasoline pumps, vending machines, or other similar devices indicating only the contents of the device, the pricing of the contents, directional and instructional information as to the use of the device, and other similar non-advertising information not exceeding four square feet in gross surface area for each exposed face and not exceeding an aggregate gross surface area of eight square feet.

13. Political signs provided that the political signs are removed within 10 days following the election for which the sign was erected.

14. Real estate signs provided that the no more than one sign is located on the property intended for sale, except on a corner lot two signs shall be permitted. A real estate sign shall not exceed 12 square feet for a residentially zoned property and 32 square feet for a non-residentially zoned property.

15. Construction site signs identifying an architect, engineer or contractor when placed on a construction site and not exceeding 12 square feet in area only during the construction process.

b. Prohibited signs. Unless otherwise permitted by another borough ordinance, the following signs are prohibited in every zoning district:

1. Signs which are constructed, erected, placed, or installed and obstruct or distract motorists or pose a threat to pedestrian or vehicular travel.

2. Signs which:

A. Have spinners, reflectors, or similar materials displayed outside a building.

B. Emit smoke, visible vapors, particles, sound, or odor.

C. Are inflatable except those associated with exempt holiday decorations.

D. Contain an open flame in a way to attract attention.

3. Except for time and temperature indicators with digital or analogue movement, signs shall not contain moving parts or use flashing, sequential or intermittent illumination. The source of light shall be steady and stationary.

4. No sign shall be constructed, placed, erected or maintained which either because of its illumination, or location, poses a danger to vehicular or pedestrian traffic, or obstructs free ingress to or egress from any window, door, emergency exit, or fire escape.

5. No sign other than an official traffic sign or political sign may be erected within the right-of-way line of any street, including sidewalks and walkways.

6. Signs which imitate, interfere with, or obstruct the view of an official traffic sign or signal is prohibited. In addition, any sign because of its design or location that may be confused with an official traffic sign or signal are also prohibited.

7. Off-premises advertising on an automobile, truck, or other vehicle is prohibited if that vehicle is parked for no other purpose than to advertise for a period of three or more consecutive days, or more than one day for any 30-day period per year, or the vehicle is otherwise being used primarily for displaying such sign, and the vehicle is parked in or visible from a public right-of-way.

8. Portable and wheeled signs.

9. A frame or sandwich board and sidewalk, or curb sign.

10. Banners, pennants, streamers, balloons, and gas filled signs or figures.

11. Projecting signs which are attached to a building and project more than 15 inches beyond the wall surface of the building to which the sign is attached.

12. Signs which are attached to a tree or utility pole unless the owner of the telephone pole agrees to the attachment. No sign shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs.

13. No sign shall be placed to obstruct ventilation or light from a building.

14. No sign shall include statements, words, or pictures that are vulgar, obscene, or pornographic. No sign shall depict specified anatomical areas or specified sexual activities.

15. No sign may include a revolving beam or beacon of light resembling an emergency vehicle or facility.

16. No sign shall advertise activities or products that are illegal under federal, state, or local municipal laws or regulations.

17. Any nonconforming sign that is otherwise prohibited under this subsection may continue to exist, but may not be moved, altered, repaired, or replaced except in conformity with this chapter.

c. Permitted signs. The placement, construction, relocation, or alteration of signs shall require a zoning permit and shall be governed by the following:

Sign Type	Permitted Zone	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Wall, Window or Roof Signs	Maximum Projection from Wall	Minimum Setbacks for Freestanding Signs
Billboard	MBI	1 per lot	300 sq. ft.	25 ft.	Not Permitted	Not Permitted	15 ft.
Business	B-1 B-2	2 per lot or building	36 sq. ft. with no more than 3 window signs per building	10 ft. in B-1 15 ft. in B-2	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.	5 ft.
Directional or Informational	All Zones	4 per use	2 sq. ft. per sign unless not legible from a street than no more than 8 sq. ft.	5 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	2 ft.	1 ft.
Institutional	All Zones	1 per principal building	32 sq. ft. or 64 sq. ft. each exposed side	15 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.	5 ft.
Name Plate or Identification	All Zones	1 per dwelling unit	6 sq. ft.	8 ft.	8 ft.	NP	2 ft.
Shopping Center or Strip Mall	B-1 B-2	1 per lot with unlimited wall or window signs	200 sq. ft.	20 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.	10 ft.

Special Event	All Zones	None	16 sq. ft.	10 ft.	Top of the wall for a wall sign. Roof signs Not Permitted.	2 ft.	1 ft.
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d. Supplemental sign regulations.

1. Sign regulations generally. Except as otherwise provided in this Ordinance, signs may only be constructed, relocated, altered, placed, or maintained when in compliance with the following:

A. Lighting. A sign:

i. With lighting shall be steady and stationary and constructed and maintained so that all lighting is shielded and directed away from public rights-of-ways and adjoining properties.

ii. Incorporating LCD, LED, plasma, CRT, pixelated lights, or other animated or video-like displays and projected displays shall be limited to the B-2 and MBI Zoning Districts and shall:

I. Consist of size lettering and symbols so it could be immediately recognized by motorists.

II. Display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning.

III. Use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect to facilitate immediate recognition by motorists.

IV. All properties utilizing a dynamic message display sign must remove all exterior promotional banners, sandwich board signs, and may not use any temporary signage.

V. Each message display cycle shall comply with the following minimum time standards: total sign area with up to 64 square feet: 17 seconds; total sign area with between 64; and 300 square feet: 28 seconds.

B. Corner lots. When one sign is permitted and the sign is to be erected on a corner lot, a second sign shall be permitted of equal size so that each sign may face a street. Where two signs are permitted this special rule for corner lots shall not apply in that it is not the intent of this Paragraph to allow three signs on a lot.

C. Construction materials. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

D. Compliance with other laws.

i. If the Pennsylvania Highway Beautification Program or another law or regulation has a more restrictive regulation governing signs, then the more restrictive regulation shall apply.

ii. A sign must be erected in accordance with the applicable building and electrical codes, when applicable.

2. Specific regulations for certain signs.

A. Event signs.

i. All temporary event signs may be erected and maintained for a period not to exceed 30 days prior to the special purpose, occasion or event and shall be removed by the property owner or person erecting, placing, or maintaining the sign within seven days following the completion or conclusion of the purpose, occasion or event, or within 10 days following the date when the circumstances leading to their erection no longer apply.

ii. Event signs erected on private property must be located at least 10 feet from another sign.

B. Billboards.

i. A billboard shall be located on a vacant lot or a lot developed to less than two-thirds of its permitted building coverage.

ii. A billboard may not be located within 150 feet from any residential structure and street intersection.

iii. A billboard shall be a minimum of 500 feet from another billboard.

iv. The billboard shall be maintained in a safe condition for its intended purpose, particularly to avoid hazards in high winds. The area around the billboard shall be kept free of debris. If the message on the billboard is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

CHAPTER 9
ZONING HEARING BOARD, LAND USE APPEALS AND HEARINGS

Section 901. Zoning hearing board.

a. Membership of the board. The zoning hearing board shall consist of three or five residents of the borough, upon determination and appointment by borough council. The terms of office of a three-member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member board shall be five years and shall be so fixed that the term of office of one member of a five-member board shall expire each year. If a three-member board is changed to a five-member board, the members of the existing three-member board shall continue in office until their term of office would expire under prior law. The borough council shall appoint two additional members to the board with terms scheduled to expire in accordance with the provisions of this section. The board shall promptly notify the borough council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the borough, nor shall any member be an employee of the borough.

b. Alternate members. Borough council may appoint by resolution at least one but no more than three residents of the borough to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 901(d) below, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the borough, including service as a member of the borough planning commission or as a zoning officer, nor shall any alternate be an employee of the borough. Any alternate may participate in any proceeding or discussion of the board but may not be entitled to vote as a member of the board nor be compensated pursuant to Section 901(e) below unless designated as a voting alternate member pursuant to Section 901(d) below. Alternates shall hold no other elected or appointed office in the borough, including service as a member of the borough planning commission or as a zoning officer, nor shall any alternate be an employee of the borough.

c. Removal of members. Any board member may be removed for malfeasance, misfeasance, or nonfeasance in office, for missing three or more consecutive zoning hearings, or for any other just cause by a majority vote of the borough council, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing. The hearing may be public at the option of the requestor.

d. Organization of board.

1. Election of officers. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

2. Quorum and hearing officer. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board. If by any reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this paragraph shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

3. Bylaws and records. The board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the borough and state laws. The board shall keep full public records of its business, which records shall be the property of the borough, and the board chairperson or its secretary shall submit an annual report of its activities to the borough council.

e. Expenditures for services. Within the limits of appropriated funds, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed by the borough council. Alternate members of the board may receive compensation, as may be fixed by the borough council, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the borough council.

Section 902. Zoning and conditional use hearings. The zoning hearing board (variances, special exceptions etc.) or borough council (conditional uses), depending on the nature of the application, shall conduct hearings and render decisions in accordance with the following rules. For purposes of this section "board" shall mean zoning hearing board in cases of variances, special exceptions etc., or borough council in the case of a conditional use.

a. Notice of hearings. Public notice and written notice shall be given to the applicant, the zoning officer, and to any person who has made timely request for the same. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The

posting may be performed by the applicant provided that an affidavit of posting is submitted into the record at the time of the hearing. No other written notices shall be required.

b. Fees for hearings. Borough council may prescribe fees for hearings. Fees for hearings may include compensation for the secretary and board members, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the board, expenses for engineering, architectural or other technical consultants or expert witness costs.

c. Time periods for hearings. The first hearing before the board, or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant's case-in-chief shall be completed within 100 days of the first hearing. Upon the request, the applicant shall receive at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. The applicant may, upon request, be granted additional hearings to complete the case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

d. Conduct of hearings. The hearings shall be conducted by the board, or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or applicant may, prior to the decision, waive the decision or findings and accept the decision or findings of the hearing officer as final.

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

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

g. Right to representation, evidence, and argument. 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.

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

i. Stenographic record and transcript fees. The board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

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

k. Time periods for hearing, decisions, and findings. The board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons thereof. Conclusions based on any provisions of this ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for substantive challenges to the validity of the ordinance, where the board fails to render the decision within the period required by this subsection or fails to commence, conduct, or complete the required hearing as provided in Subsection (c) of this section above, 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 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this section above. 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.

l. Mailing, copies, and notice of decisions. A copy of the final decision

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

Section 903. Jurisdiction of zoning hearing board. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

a. Substantive challenges to the validity of any land use ordinance, except for those brought before the borough council such as in the case of a landowner curative amendment.

b. Challenges to the validity of any land use ordinance, based upon procedural questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the zoning hearing board within 30 days after the effective date of the ordinance subject to the appeal.

c. 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 an application, the issuance of any “cease and desist” order, the revocation of a zoning permit or building permit or the registration or refusal to register any nonconforming use, structure or lot.

d. Appeals from a determination by the zoning officer with reference to the administration of any flood plain provision or regulation within any land use ordinance.

e. Applications for variances from the terms of this ordinance.

f. Applications for special exceptions under this ordinance.

g. Appeals from the determination of the zoning officer or the borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not related to development which is classified as a subdivision, land development, or a planned residential development.

Section 904. Jurisdiction of borough council. Borough council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

a. All applications for approvals of planned residential developments, if such an ordinance is adopted by borough council in the future.

b. All applications and approvals of subdivisions or land developments.

c. Applications for conditional uses under this ordinance.

d. Applications for curative amendments to this ordinance pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

e. All petitions for amendments to any land use ordinance, pursuant to the procedures set forth in section 609 of the Pennsylvania Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided nothing contained in this subsection shall be deemed to enlarge or diminish existing law with reference to appeals to court.

f. Appeals from the determination of the zoning officer or the borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development. Where such determination relates only to development not involving a land development application, the appeal from such determination of the zoning officer or the borough engineer shall be to the zoning hearing board.

g. Applications for a special encroachment permit under Sections 405 and 406 of the Pennsylvania Municipalities Planning Code.

Section 905. Variances.

a. Provisions for granting of variance. The zoning hearing board shall hear requests for variances if it is alleged that the provisions of this ordinance inflict unnecessary hardship upon the applicant. All applications for variances shall be on forms proscribed by the borough and shall require preliminary application to the zoning officer. The zoning hearing board may grant a variance, provided all of the following findings are made where relevant:

1. 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 unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

2. 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.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. 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. Referral to planning commission. The zoning hearing board may prior to deciding on a variance application refer the application to the borough planning commission for review and recommendation to the zoning hearing board.

c. Reasonable conditions and safeguards. In granting any variance, the zoning hearing board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance and the Pennsylvania Municipalities Planning Code.

Section 906. Special exceptions and conditional uses.

a. Additional information required. In addition to the required site plan and information to accompany a zoning permit application, each special exception and conditional use application shall include the following:

1. Ground floor plans and elevations of proposed structures; and
2. A scaled drawing (site plan) of the site, including finished topography with detail and accuracy to demonstrate compliance with all applicable provisions of this ordinance; and
3. A written description of the proposed use in detail to demonstrate compliance with all applicable provisions of this ordinance.

b. Provisions for granting special exception and conditional use approval. The zoning hearing board shall hear and decide requests for such special exceptions and borough council shall hear and decide requests for conditional uses under the provisions of this ordinance. All applications for special exceptions and conditional uses shall be on forms provided by the borough and shall require preliminary application to the zoning officer. The zoning hearing board shall grant approval of a special exception and borough council shall grant approval of a conditional use only upon the determination that all applicable standards, criteria, and provisions within this ordinance, including the following have been met:

1. Public services and facilities such as water supply, sewage disposal, storm drainage, and fire and police protection are adequate for the proposed use and development.
2. Existing and future streets and access to the subject property shall be adequate for emergency services while avoiding undue congestion and providing for the safety and convenience of pedestrian and vehicular traffic.

3. The relationship of the proposed use and development to other uses and activities existing or planned in the vicinity shall be harmonious in terms of their location and site relative to the proposed operation, and the nature and intensity of the use.

4. The relationship of the proposed use and development to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.

5. The proposed use and development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the zoning district.

6. The proposed use and development shall not be injurious to the public health, safety, welfare, and morals.

7. The specific standards set forth for each particular use have been met.

8. The proposed use meets the other applicable requirements of this ordinance.

9. The proposed use shall be consistent with the purpose and intent of the zoning ordinance, the statement of community development objectives, the purposes for which the zoning district was created, and the comprehensive plan.

c. Referral to planning commission. The zoning hearing board may prior to deciding a special exception application or borough council may prior to deciding a conditional use application refer the application to the borough planning commission for review and recommendation.

d. Reasonable conditions and safeguards. In granting approval, the zoning hearing board or borough council, as the case may be, may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance and the Pennsylvania Municipalities Planning Code.

e. Environmental Impact Statement (EIS). An EIS may be required by the zoning hearing board for a special exception or borough council for a conditional use. If required, the applicant shall perform the EIS for the purpose of disclosing the impacts of a proposed use upon the environment so that the zoning hearing board or borough council, as the case may be, could decide whether to approve or deny the application or approve the application with conditions. The EIS, if required, shall be prepared by a professional engineer licensed within the Commonwealth of Pennsylvania and shall include, at a minimum, an analysis of the items listed under Section 907 of this chapter.

Section 907. Environmental impact statement (EIS).

a. EIS may be required. An EIS may be required by the zoning hearing board (for special exceptions and use variances), or borough council (for conditional uses) to be performed by the applicant. The purpose of the EIS is to disclose the impacts of a proposed use upon the environment so that the zoning hearing board of the borough council could decide whether to approve or deny the use or approve the use with conditions.

b. Contents of EIS. An EIS, if required, shall be prepared by a professional engineer licensed within the Commonwealth of Pennsylvania and shall include, at a minimum, an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts:

1. Soil types.
 - A. U.S.D.A. Soil Types (show on map).
 - B. Permeability of soil on the site.
 - C. Rate of percolation of water through the soil for each five acres.
 - D. Surface waters
 - i. Distance of site from nearest surface water and head waters of streams.
 - ii. Sources of runoff water.
 - iii. Rate of runoff from the site.
 - iv. Destination of runoff water and method of controlling downstream effects.
 - v. Chemical additives to runoff water on the site.
 - vi. Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the County Conservation District.
 - vii. The information shall be set forth in a storm water management plan meeting the requirements of the SALDO.
2. Ground cover (Vegetation and Animal Life).

- A. Extent of existing impervious ground cover on the site.
- B. Extent of proposed impervious ground cover on the site.
- C. Type and extent of existing vegetative cover on the site.
- D. Extent of proposed vegetative cover on the site.
- E. Type of animal life and effect on habitat.
- F. Topographic and Geologic
 - i. Maximum existing elevation of site.
 - ii. Minimum existing elevation of site.
 - iii. Maximum proposed elevation of site.
 - iv. Minimum proposed elevation of site.
 - v. Description of the topography of the site and any special topographic features, and any proposed changes in topography.
 - vi. Surface and subsurface geology.

3. Ground water.

- A. Average depth to seasonal highwater table.
- B. Minimum depth to water table on site.
- C. Maximum depth to water table on site.
- D. Quality.
- E. Water supply
 - i. The source and adequacy of water to be provided to the site.
 - ii. The expected water requirements (g.p.d.) for the site.
 - iii. The uses to which water will be put.

4. Sewage disposal.
 - A. Sewage disposal system (description and location).
 - B. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
 - C. Expected daily volumes of sewage.
 - D. Affected sewage treatment plant's present capacity and authorized capacity.
5. Solid waste.
 - A. Estimated quantity of solid waste to be developed on the site during and after construction.
 - B. Method of disposal of solid waste during and after construction.
 - C. Plans for recycling of solid waste during and after construction.
6. Air quality.
 - A. Expected changes in air quality due to activities at the site during and after construction.
 - B. Plans for control of emissions affecting air quality.
 - C. Establishment of air quality goals, including a description of any programs to be implemented to achieve those air quality goals, a development plan for control strategies, and a schedule explaining the manner for on-going evaluations.
7. Noise.
 - A. Source and magnitude of noise levels expected to be generated at the site during and after construction.
 - B. Proposed method for control of additional noise on site during and after construction.
8. Property values.

A. Identify, measure, and explain the impact of the proposed use on real estate values.

B. To measure the impact of a proposed use on property values, sale transactions of three similarly situated properties within the neighborhood that sold in the last six months shall be appraised.

C. The data once collected shall be analyzed on a sales comparison approach before development of the proposed use and assuming post-development of the proposed use. Similarly situated uses in other areas should be examined when possible to determine what, if any, impact the proposed use will have on surrounding property values.

9. Land and water surface use and community character.

A. Past and present use of the site with attention to storage or disposal of toxic or hazardous waste.

B. Adjoining land uses and character of the area.

C. Type and concentration of existing watercraft uses.

10. Critical impact areas. Any area, condition, or feature which is environmentally sensitive, or which, if disturbed during construction, would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of highwater table, and mature stands of native vegetation and aquifer recharge and discharge areas.

11. Historic resources. Identification of structures or sites of historic significance and probable effect of the project.

12. Transportation. Existing network traffic volumes and capacities and need for improvements required by the project.

13. Law enforcement. Existing law enforcement capabilities of the borough and state; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.

14. Emergency service providers. The adequacy of emergency services providers to provide emergency services for the proposed use, including the coordination by the developer and the emergency service providers to implement emergency preparedness plans.

15. Community facilities and services. Existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.

16. Economic and social impacts. The local economy and social structure and how the proposed use is likely to affect them.

17. Additional requirements. In addition to the above requirements, the reviewing board may require such other information as may be reasonably necessary to evaluate the proposed use for its impacts upon the community, including, but not limited to:

A. A description of alternatives to the proposed use.

B. A statement of any adverse impacts which cannot be avoided.

C. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

D. A list of all licenses, permits and other approvals required by local, county or state law and the status of each with copies of all completed applications and submissions.

E. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

Section 908. Initial determination by zoning officer. An application for a variance or special exception shall not be heard by the zoning hearing board or an application for conditional use shall not be heard by borough council until the applicant has first submitted a zoning permit application and site plan to the zoning officer and the zoning officer has denied the application.

Section 909. Standing. Appeals before the zoning hearing board or borough council shall be filed in writing by the affected landowner or by an aggrieved person or party. The zoning hearing board or borough council may not proceed with a hearing from a required of an applicant, tenant, or equitable owner of a property without the written consent of the landowner or legal title holder of the property.

Section 910. Appeals to court. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered under this ordinance.

a. Jurisdiction and venue on appeal and time for appeal. All appeals from all land use decisions rendered under this chapter shall be taken to the Luzerne County Court of

Common Pleas within 30 days from the date of mailing the decision, or in the case of a deemed decision, within 30 days after the date upon which notice of the deemed decision is given.

b. Procedural defects. Challenges to the validity of this ordinance or the zoning map, or any amendment, raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the Luzerne County Court of Common Pleas within 30 days after the intended effective date of this ordinance or any amendment unless a party establishes each of the following:

1. There was a failure to strictly comply with statutory procedure.

2. There was a failure to substantially comply with statutory procedure which resulted in insufficient notification to the public of impending changes in or the existence of the ordinance, so that the public would be prevented from commenting on those changes and intervening, if necessary, or from having knowledge of the existence of the ordinance.

3. There exist facts sufficient to rebut any presumption that the borough, residents, and landowners within the borough have substantially relied upon the validity and effectiveness of the ordinance.

4. If the challenge is made more than two years from the date of the alleged enactment, it must also be shown that:

A. The challenge would impermissibly deprive the appellants of constitutional rights to property and due process.

B. There was a failure to substantially comply with statutory procedure which resulted in insufficient notification to the public of impending changes in or the existence of the ordinance, so that the public would be prevented from commenting on those changes and intervening, if necessary, or from having knowledge of the existence of the ordinance.

C. There exist facts sufficient to rebut any presumption that the borough, residents, and landowners within the borough have substantially relied upon the validity and effectiveness of the ordinance.

c. Appeals to court; commencement; and stay of proceedings.

1. Land use appeals shall be entered as of course by the Luzerne County Prothonotary upon the filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.

2. Upon filing of a land use appeal, the Luzerne County Prothonotary shall forthwith, as of course, send to the borough council, the zoning hearing board or agency whose decision or action has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding the borough council or the zoning hearing board, within 20 days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to the borough council or zoning hearing board at the time it received the writ of certiorari.

3. If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within seven days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the borough and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.

4. The filing of an appeal in court under this section shall not stay the action appealed from, but the appellants may petition the court for a stay. If the appellants are persons who are seeking to prevent a use or development of the land of another, whether a stay is sought by them, the landowner whose use or development is in question may petition the court to order the appellants to post bond as a condition to proceeding with the appeal. After the petition for posting a bond 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 landowners 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 posting 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, her or it if an appeal is taken from a final decision of the court. The question of 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 respondent to the petition for posting a bond to post a bond shall be interlocutory. If an appeal is taken by a respondent to the petition for posting a bond from an order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and, after hearing in the court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by petitioner.

d. Intervention. Within the 30 days first following the filing of a land use appeal, if the appeal is from a board or agency of the borough, the borough and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each

appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

e. Hearing and argument on land use appeal. If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the court pursuant to Section 910 of this ordinance governing substantive challenges to the validity of this ordinance shall not be remanded for further hearings before anybody, agency or officer of the borough. If the record below includes findings of fact made by the borough council, zoning hearing board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the borough council or the zoning hearing board shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

f. Judicial relief.

1. In a land use appeal, the court shall have the power to declare an ordinance or map invalid and set aside or modify any action, decision or order of the borough council, the zoning hearing board, zoning officer or borough engineer brought up on appeal.

2. If the court finds that an ordinance or map, or a decision or order there under, which has been brought up for review unlawfully prevents or restricts a development or use which has been described by the landowner through plans and other materials submitted to the borough, the zoning hearing board, zoning officer or borough engineer whose action or failure to act is in question on the appeal, it may order the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the borough council, the zoning hearing board, zoning officer or borough engineer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court's opinion and order.

3. Upon motion any of the parties or upon motion by the court, the judge of the court may hold a hearing or hearings to receive additional evidence or employ experts to aid the court to frame an appropriate order. If the court employs an expert, the report or evidence of such expert shall be available to any party and he or she shall be subject to examination or cross-examination by any party. He or she shall be paid reasonable compensation for his or her services which may be assessed against any of the parties as determined by the court. The court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issue

such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.

4. The fact that the plans and other materials are not in a form or are not accompanied by other submissions which are required for final approval of the development or use in question or for the issuance of permits shall not prevent the court from granting the definitive relief authorized. The court may act upon preliminary or sketch plans by framing its decree to take into account the need for further submissions before final approval is granted.

CHAPTER 10
ADMINISTRATION AND ENFORCEMENT

Section 1001. Appointment of zoning officer. For the administration of this ordinance, a zoning officer, who shall not hold any elective office in the borough, shall be appointed. The zoning officer shall meet qualifications established by the borough council and shall be able to demonstrate to the satisfaction of borough council a working knowledge of municipal zoning.

Section 1002. Zoning officer duties.

a. Powers and duties of the zoning officer. The powers and duties of the zoning officer include:

1. Administering and enforcing the provisions of this ordinance in accordance with its literal terms. In performing the duties, the zoning officer may not have the power to permit any construction, alteration or any use or change of use to land or structures, which does not conform to the applicable provisions of this ordinance.
2. Receiving and reviewing all types of zoning applications and approving or denying zoning permits and certificates of zoning compliance under this ordinance. When a zoning permit application or certificate is approved, the zoning officer shall issue the permit or certificate.
3. Keeping records of all applications, permits, certificates, complaints, enforcement actions, investigations, and decisions of the zoning hearing board or borough council when the decision relates to a conditional use in the zoning office located within the municipal building. All zoning records are the property of the municipality and must be available for public inspection and copying when authorized by the Pennsylvania Right to Know Law.
4. Conducting property inspections to assure compliance with this Ordinance.
5. Maintaining the official zoning map and zoning ordinance, including any amendments.
6. Notifying the zoning hearing board of scheduled zoning hearings, and borough council of conditional use hearings, including assisting the secretary or solicitor in advertising zoning hearings and conditional use hearings.
7. Making certain that properties are conspicuously posted at least one week prior to a zoning hearing.

8. Attending and participating in proceedings before the zoning hearing board and borough council and offering testimony and evidence when necessary.
9. Reviewing and reporting on subdivision and land development plans for compliance with this ordinance.
10. Inspecting and registering nonconformities upon request of a landowner, or upon identifying an unregistered nonconformity.
11. Assisting appointed and elected local officials, police, codes, and the public with zoning issues.
12. Making the zoning ordinance and official zoning map available to the public for inspection and providing copies upon proper request and payment of appropriate fees.
13. Rendering preliminary opinions under Section 916.2. of the Pennsylvania Municipalities Planning Code.
14. Investigating and acting upon complaints of alleged violations of this ordinance. Complaints should be acted upon within 30 days of their receipt and a complainant must be notified by the zoning officer, upon request, of any enforcement action taken.
15. Prosecuting violations of this ordinance by instituting civil enforcement proceedings when it is determined that a person has violated this ordinance, or any conditions placed upon the approval of special exception, variance, conditional use, or any other approvals or permits under this ordinance.
16. Doing all things necessary to administer and enforce this ordinance.

Section 1003. Zoning permit required. A zoning permit issued by the zoning officer shall be required prior to using or changing the use of land, buildings or structures, or demolishing, altering, erecting, constructing, moving, placing, or expanding any building or structure. However, a zoning permit shall not be required for routine repairs or maintenance of any structure or land limited to repairs or maintenance that do not change the use or the exterior dimensions of the structure or building.

Section 1004. Zoning permit application.

a. A zoning permit application shall be made in writing by the landowner, the authorized agent of the landowner, or any person having an equitable interest in the property with the written consent of the landowner.

b. A zoning permit application shall be on a form provided by the borough and shall include at least the following:

1. The name and address of the applicant, and the landowner if different than the applicant.
2. The address of the property and a description of its location.
3. The names and addresses of all adjoining landowners, including those located immediately across the street from the property that is the subject of the application.
4. A site plan drawn to scale and showing:
 - A. The actual dimensions and shape of the property including existing and proposed access drives, roads and streets identifying them by name.
 - B. The location and dimensions of all existing and proposed structures, buildings, signs, parking spaces, access drives, and loading zones, with existing features being clearly distinguished from proposed features.
 - C. The exact size and location of existing and proposed uses of land, with existing uses being clearly distinguished from proposed uses.
 - D. The location of any existing and proposed utilities.
 - E. Any other information required to ensure the zoning officer could determine compliance with this Ordinance.

Section 1005. Lot survey and building stakeout in certain instances.

a. Where a principal or accessory structure of more than 1,000 square feet on a slab, pier, foundation, or other structural support is proposed on a lot of less than 20,000 square feet, then a current lot survey, performed by a professional land surveyor licensed in the Commonwealth of Pennsylvania, shall accompany all zoning permit applications. The survey shall have been performed at least three years before the date of the zoning application. All boundary markers must be of a permanent nature and must be readily visible at the time of the initial zoning inspection. The survey plan shall show all property lines and corner markers, the courses and distances along all property lines, adjoining streets and property owners, any existing improvements on or adjacent, all proposed improvements to be constructed on the property, any bodies of water or delineated wetlands, any regulated flood plains, all building setbacks or buffers, and a title identifying the plan.

b. Upon completion of the foundation and prior to the initiation of any framing, an as-built survey of the foundation shall be prepared by the surveyor and submitted to the zoning officer for approval. For purposes of this plan, a foundation shall include any standard foundation type, piers, slabs, or other support structures required by the building code official or building inspector. No further work may be completed until the as-built plan has been approved. The plan shall use the survey map submitted with the initial zoning application as a basis for this submission, in addition to the information shown on the survey map, the actual location of the foundation shall be shown with accurate dimensions for the building and between the building and all property lines.

Section 1006. Time period to act upon a zoning permit application. A zoning permit application shall be approved or denied by the zoning officer within 30 days from the date of receipt of a completed application. An application shall be deemed complete for purposes of this ordinance when the application has been received by the zoning officer, fully completed, and accompanied by a site plan and the applicable fee.

Section 1007. Expiration of zoning permit. A zoning permit shall expire one year from the date of issuance. However, a zoning permit may be extended by the zoning officer for an additional period of six months upon the request of the applicant for good cause shown. Once a permit has expired, the applicant or landowner must reapply for another zoning permit and the zoning officer may approve or deny the application under the ordinance in effect at the time of the new application.

Section 1008. Revocation of zoning permit. The zoning officer may revoke a zoning permit issued under this ordinance when:

- a. The permit was issued in error under this ordinance; or
- b. The application or plan upon which the permit was issued has been found to contain false or misleading information.
- c. There exists a violation of any condition imposed by the zoning hearing board or the borough council as part of a written decision.
- d. Good cause exists under this ordinance or applicable law.

Section 1009. Reconsideration of zoning permit application previously denied. An applicant whose request for a zoning permit has been denied by the zoning officer may make another application for a zoning permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated, or the new application is different than the previous application. A failure to do so, shall be a reason for denial by the zoning officer.

Section 1010. Issuance of zoning permit upon approval by zoning hearing board or borough council. The zoning officer shall issue a zoning permit once the use, structure, or

building has been approved by special exception or variance by the zoning hearing board, or by conditional use by the borough council. A zoning permit shall be issued within 30 days of issuance of a written decision approving the application. Should an aggrieved party or person appeal the written decision, any work performed shall be at the permit holder's own risk if the decision is reversed on appeal by a court.

Section 1011. Compliance with zoning permit. All work or uses for which a zoning permit have been issued shall conform to the approved application, decision, and site plan. Any change of the application or plan (that does not violate this ordinance) during performance of the work shall be modified in writing by the applicant and filed with the zoning officer.

Section 1012. Display of zoning permit. An approved zoning permit shall be conspicuously posted on the property during construction of the building or structure, or commencement of the use. The posting of the permit shall occur within 10 days of the issuance of the zoning permit, or prior to the commencement of actual work or use of the property, whichever occurs first. The zoning permit shall be continuously posted on the property until completion of the work, commencement of the use, or issuance of a certificate of zoning compliance, if required.

Section 1013. Inspections. By making a zoning permit application, the applicant and landowner authorize the zoning officer to inspect the land, structure, and building (interior and exterior) for which a zoning permit has been issued to ensure compliance with this ordinance.

Section 1014. Temporary zoning permits.

a. Zoning permit required. A zoning permit shall be required for all temporary uses of structures, buildings, or land. The zoning officer shall issue a zoning permit for any temporary use of a structure, building or land, including short-term special events or retail sales held on private property with or without the use of a structure such as a tent, trailer, or truck provided the following are met:

1. The use is permitted in the zoning district where it is to be located; and
2. The use or structure meets the dimensional regulations of the zoning district where it is to be located or parked; and
3. The use may not adversely affect or interfere with the use and quiet enjoyment of adjoining or surrounding properties; and
4. The use may not cause undue congestion or traffic hazards, or otherwise interfere with vehicular and pedestrian travel and parking and loading facilities; and
5. The use meets the supplemental regulations for the type of use under Section 463 of this ordinance.

b. Time limitation. A zoning permit for a temporary structure or use shall be issued by the zoning officer for a period not to exceed 180 days per year, except that a zoning permit for a special event shall be for a period of no more than 30 days.

Section 1015. Certificate of zoning compliance required.

a. Certificate of zoning compliance required. A zoning certificate issued by the zoning officer certifying compliance with this ordinance shall be required by an applicant or landowner prior to a new use or change of use of land and buildings and the construction or placement of buildings, such as dwelling units, garages, and additions. However, a certificate of zoning compliance is not required for repairs to or construction or placement of accessory structures such as fences, decks, porches, signs, and swimming pools, and unattached accessory buildings of not more than 1,000 square feet in total floor area.

b. Certificate of zoning compliance applications. All applications for certificates evidencing zoning compliance shall be made in writing on forms provided by the borough. All applications shall include the information necessary for the zoning officer to ascertain compliance with a zoning permit and this ordinance.

c. Time limits for issuance of certificate of zoning compliance. Applications for zoning certificates shall be made by the landowner or an authorized agent for the landowner prior to occupying or using any building or land for which a zoning certificate is required. Upon the making of an application for a certificate of zoning compliance, the zoning officer shall have 30 days from receipt of the application to approve or deny it. A certificate of zoning compliance may only be approved and issued by the zoning officer when it has been determined that the use or building complies with the information contained in the zoning permit and this ordinance.

Section 1016. Enforcement procedures.

a. Enforcement notice. If it appears to the zoning officer that a violation of this ordinance has occurred, the zoning officer shall initiate enforcement proceedings by issuing an enforcement notice to the owner of record of the parcel of land on which the violation has occurred, to any person who has filed a written request to receive violation notices regarding the parcel of land, and to any other person requested in writing by the owner of record. The enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the municipality intends to take action.
2. The location and address of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable sections of this ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the zoning hearing board within 30 days from date of the issuance of the notice.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with a description of the sanctions that will result if the violation is not corrected.

b. Order of proof. In any appeal of an enforcement notice to the zoning hearing board, the borough shall have the responsibility of presenting evidence first.

c. Refund of filing fee in certain instances. Any filing fee paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the borough if the zoning hearing board or any court in a subsequent appeal rules in the appealing party's favor.

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

e. Jurisdiction. The magisterial district judge for the borough shall have initial jurisdiction over proceedings brought under this section.

f. Enforcement remedies. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the borough or the zoning officer, shall pay a judgment of not more than \$500.00 dollars, plus all court costs, including reasonable attorney fees incurred by the borough. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determined that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no

such violation. In such cases, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the borough.

g. Stay. The county court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

h. Private enforcement action. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the borough the right to commence any action for enforcement under this ordinance.

Section 1017. Zoning fees. The borough council shall adopt a schedule of fees, charges, and expenses for applications, permits, certificates, appeals, and amendments to the zoning ordinance and zoning map, and any other matters relating to the administration of this ordinance. The fee schedule shall be available for public inspection and shall be adopted and may be amended from time to time by resolution of the borough council. No application or appeal shall be considered filed until all related fees, charges and expenses have been paid in full.

Section 1018. Mediation option.

a. Parties to zoning hearing proceedings under this chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the zoning hearing board, in no case shall the zoning hearing board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, the procedures in this chapter once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

b. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The borough, when offering mediation as an option, shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized in the Pennsylvania Municipalities Planning Code and this ordinance provided there is written consent by the

mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.

5. Identifying all parties and affording them the opportunity to participate.

6. Subject to legal restraints, determining whether the mediation session shall be open or closed to the public.

7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth under the Pennsylvania Municipalities Planning Code and this ordinance.

c. No offers or statements made in the mediation sessions, excluding the final written mediated agreement shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 1019. Zoning amendments.

a. Amendments to zoning ordinance and zoning map. The zoning ordinance and official zoning map may from time to time be amended by the borough council in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. An amendment may be initiated by the borough planning commission, the borough council or by a petition to the borough council by an interested party. The borough is under no obligation to consider any zoning amendment other than a curative amendment.

b. Enactment of zoning ordinance amendments.

1. Before voting on the enactment of an amendment, the borough council shall hold a public hearing on the amendment, pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the borough or an owner of the mineral rights in a tract or parcel of land within the borough who has made a timely request. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the borough at points deemed sufficient by the borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

2. In addition to the requirement that notice be posted under section 910(b)(1) above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the borough at least 30 days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within

the possession of the borough. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this paragraph. This paragraph shall not apply when the rezoning constitutes a comprehensive rezoning.

3. In the case of an amendment other than that prepared by the borough planning commission, the borough council shall submit each such amendment to the borough planning commission at least 30 days prior to the hearing on such proposed amendment to provide the borough planning commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the borough council shall hold another public hearing, pursuant to public notice, mailed notice and electronic notice, before proceeding to vote on the amendment.

5. At least 30 days prior to the public hearing on the amendment by the borough council, the borough council shall submit the proposed amendment to the county planning commission for recommendations.

6. The borough council may offer a mediation option as an aid in completing proceedings as authorized under Section 1018 of this ordinance and the Pennsylvania Municipalities Planning Code.

7. Within 30 days after enactment, a copy of the amendment to this ordinance shall be forwarded to the county planning commission.

c. Landowner curative amendments.

1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the borough council with a written request that the challenge and proposed amendment be heard and decided as provided under the Pennsylvania Municipalities Planning Code.

2. The borough council shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the borough and county planning commissions and notice of the hearing thereon shall be given in the same manner as conducting a zoning hearing under Section 902 of this ordinance.

3. The hearing shall be conducted in accordance with Section 902 of this ordinance and all references therein to the zoning hearing board shall, for purposes of this subsection be references to the borough council; provided, however, that the provisions of Sections 902(c) and 902(k) relating to time periods shall not apply and the provisions

of section 916.1 of the Pennsylvania Municipalities Planning Code shall control. If the borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

4. If the borough council has determined that a validity challenge has merit it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The borough council shall consider the curative amendments plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities; and

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map; and

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features; and

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

d. Municipal curative amendments. If the borough council determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

1. The borough council shall declare by formal action, its zoning ordinance, or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the borough council shall:

A. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include references to:

- i. Specific uses which are either not permitted or not permitted in sufficient quantity; or
- ii. A class of use or uses which require revision; or
- iii. The entire ordinance which requires revisions.

B. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

C. Within 180 days from the date of the declaration and proposal, the borough council shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by Section 1019(b) to cure the declared invalidity of the zoning ordinance.

D. Upon the initiation of the procedures, as set forth in Section 1019(d)(1) above, borough council shall not be required to entertain or consider any landowner's curative amendment filed under Subsection 1019(c) nor shall the zoning hearing board be required to give a report requested under Section 916.1 of the Pa MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 1019(d)(1)(A). Upon completion of the procedures as set forth in Section 1019(d)(1)(A) and (B), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pa MPC shall, from the date of the declaration and proposal, accrue to any landowner of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.

2. If borough council utilizes the procedures set forth in this subsection, it may not again utilize the same procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the borough by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the borough may utilize the provisions of this subsection to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

e. Publication, advertisement, and availability of ordinances.

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Subsection and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or

amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The borough council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a summary, prepared by the borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the borough at the time the public notice is published.

B. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county governing body, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the borough council shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the borough, a summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

Appendix A: 2021 CONYNGHAM BOROUGH ZONING MAP