
ZONING ORDINANCE

BOROUGH OF SCHUYLKILL HAVEN

SCHUYLKILL COUNTY, PENNSYLVANIA

February, 1998
Revised: September, 1998
Revised: December, 1998
Revised: November, 1999

DEVELOPED UNDER THE DIRECTION OF:

BOROUGH COUNCIL

AND

PLANNING COMMISSION

Paul R. Donmoyer, Mayor
John C. Dudley, President of Council
Al Rizzuto
Christopher Reed
Gary Keller, Jr.
Jack Koch
Earl Jacoby
Ramona Buzalko

Carl Berger, Chairman
Kenneth "Pete" Reber
Francis "Herb" Tamburelli
George Kulp
David Hughes
Paul Bedway
John C. Dudley

BOROUGH SECRETARY
OFFICER

Kathy Killian

BOROUGH ADMINISTRATOR/ ZONING

Jay Willard






PLANNING AND ZONING CONSULTANT

Mullin & Lonergan Associates, Inc.
Philadelphia and Pittsburgh, Pennsylvania

USING THIS ORDINANCE: AN OVERVIEW

The following describes the most efficient way to use this Zoning Ordinance. The following are general descriptions, but are not part of the actual Zoning Ordinance.


Start by using the following parts of the Zoning Ordinance:

-  Turn to the **Table of Contents** to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
-  Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district your lot is in.
-  Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in two ways:
 - a) by right, or
 - b) by condition (the Borough Council must approve the use after review by the Planning Commission as described in Section 117).
-  Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum area of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
-  Regularly refer to the **Definitions** in Article II to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue can expand within limits, can change to another use within limits or can be sold. See Article IX -"Non-Conformities."




Certain specific uses must comply with **additional regulations**. The "principal uses"(which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as very small businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

Turn to the following parts of the Zoning Ordinance if your lot may be flood-prone:

-  If your lot is low-lying or near a creek or drainage channel, study the **Floodplain Map** in the Borough Hall. This map shows areas expected to flood in an average 100-year period (called the "**100-Year Floodplain**"). If a tract is within the 100-year Floodplain, the regulations of Article V need to be met. An applicant also should consult a

professional to determine whether any **Wetlands** are present on the tract. If so, Federal and State wetland regulations must be complied with if the wetlands are to be altered or filled in any manner.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

-  Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this Zoning Ordinance. The parking standards are listed in a table.
-  If **Signs** are proposed within public view, Article VII must be met. This article lists the types, heights and sizes of signs that are permitted.
-  Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following two major considerations should be kept in mind when using this Ordinance:



-  An applicant may apply to the Borough **Zoning Hearing Board** for a **Zoning Variance** if they are not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Borough for legal advertisements and other costs. See Section III, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the Pennsylvania Municipalities Planning Code, variances are not permitted unless an applicant proves a "Hardship".
-  If one or more new lots will be created, or existing lot lines will be altered or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Borough's **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Borough Hall.

TABLE OF CONTENTS

Page:

ARTICLE 1 - ADMINISTRATION

101	Purposes and Objectives	1
102	Applicability of this Ordinance.....	1
103	Enforcement, Violations and Penalties	1
104	Filing Costs and Fees	2
105	Interpretation and Similar Uses	2
106	General Procedure for Permits.....	3
107	Permits and Certificates	3
108	Amendments to this Zoning Ordinance	7
109	Curative Amendments	8
110	Zoning Officer	8
111	Zoning Hearing Board Actions, Special Exceptions and Variances	8
112	Board Hearings and Decisions.....	12
113	Appeals	14
114	Public Utility Exemptions.....	14
115	Borough Limited Exemption	15
116	Site Plan Review Procedures for Certain Uses	15
117	Conditional Use Process	17
118	Liability.....	19

ARTICLE II - DEFINITIONS

201	General Interpretation	20
202	Terms Defined	20

ARTICLE III - DISTRICTS

301	Designation of Districts	47
302	Applicability of District Regulations	48
303	Zoning Map.....	48
304	District Boundaries	49
305	Setbacks and Buffers Across Municipal Boundaries.....	49
306	Table of Permitted Uses by District.....	49
306.1	Building Facades.....	50
307	Table of Lot and Setback Requirements by District.....	63

ARTICLE IV - ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401	Applicability	66
402	Additional Requirements for Specific Principal Uses	66

403	Additional Requirements for Accessory Uses	90
-----	--	----

ARTICLE V - ENVIRONMENTAL PROTECTION

501	Additional Information	99
502	Nuisances and Hazards to Public Safety.....	99
503	Wetlands Review	99
504	Setbacks from Creeks	100
505	Steep Slopes.....	100
506	Threats to Water Quality.....	102
507	Sewage Disposal	102
508	Noise	102
509	Vibration	103
510	Odors and Dust	103
511	Glare.....	104
512	Erosion Control, Drainage, Filling, Excavation and Grading.....	104
513	Flood-Prone Areas	105

ARTICLE VI - OFF-STREET PARKING AND LOADING

601	Required Number of Parking Spaces.....	112
602	General Regulations for Off-Street Parking	117
603	Design Standards for Off-Street Parking	118
604	Off-Street Loading	123

ARTICLE VII - SIGNS

701	Applicability	125
702	Nonconforming Signs	125
703	Miscellaneous Signs Not Requiring Permits	125
704	Freestanding, Wall and Window Signs.....	130
705	Abandoned or Outdated Signs	132
706	Location of Signs	132
707	Illumination of signs	132
708	Vehicles Functioning as Signs	133
709	Prohibited Signs	133
710	Construction of Signs.....	133
711	Measurement and Major Types of Signs	133
712	Off-Premise Signs (Including Billboards)	135

ARTICLE VIII - GENERAL REGULATIONS

801	Frontage onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings.....	137
802	Height Exceptions.....	138
803	Special Lot and yard Requirements, Sight Distance and Buffer Yards	138
804	Landscaping	143
805	Temporary Uses	143

806	Subdivision and Land Development Ordinance	
	Requirements Applying to Non-Residential Buildings.....	144
807	Driveway Completion.....	144

ARTICLE IX - NONCONFORMITIES

901	Proof and Registration of Nonconformities	145
902	Continuation of Nonconformities	145
903	Expansion, Construction Upon or Change in Use of Nonconformities	145
904	Damaged or Destroyed Nonconformities	147
905	Abandonment of a Nonconformity	147
906	Changes from One Nonconforming Use to Another Use.....	148

BOROUGH OF SCHUYLKILL HAVEN ZONING ORDINANCE

TITLE PAGE

1. **TITLE.** An Ordinance: a) dividing the Borough of Schuylkill Haven into districts and regulating the use of land and the location, use and density of buildings within these districts; b) providing for the administration, implementation and enforcement of this Ordinance; c) permitting, prohibiting, regulating and determining the uses of land, water courses and other bodies of water, the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; d) establishing the maximum density and intensity of development; and e) establishing provisions for special exceptions and variances to be administered by a Zoning Hearing Board.

2. **SHORT TITLE.** This Zoning Ordinance shall be known and be cited as the "Borough of Schuylkill Haven Zoning Ordinance" of 1999.

3. **SEVERABILITY.** it is hereby declared to be the legislative intent that:
 - A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

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

4. **REPEALER.** All other Borough ordinances or resolution or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed, including the pre-existing Borough of Schuylkill Haven Zoning Ordinance of 1972, as amended.

5. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of the Borough of Schuylkill Haven hereby enacts and ordains into an Ordinance the attached document this date of November 10th, 1999. This Ordinance shall become effective in five calendar days.

Date of Planning Commission Public Meeting:

Date of Borough Council Public Hearing:

President, Borough Council

Attest, Borough Clerk

ARTICLE I

ADMINISTRATION

101. PURPOSES AND OBJECTIVES. This Zoning Ordinance is hereby adopted: 1) in accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended; 2) in accordance with the community development goals and objectives (which are included by reference) of the Borough of Schuylkill Haven Comprehensive Plan (as may be amended), which constitutes an overall program; 3) in consideration of the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures, and 4) to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act, PA. Storm Water Management Act, PA. DEP regulations on erosion and sedimentation control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.
102. APPLICABILITY OF THIS ORDINANCE.
- A. Any activity regulated by this Zoning Ordinance shall only occur in such a way that conforms with the regulations of this Zoning Ordinance. See Section 107.A.
 - B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the PA. Municipalities Planning Code, or such successor section.
103. ENFORCEMENT, VIOLATIONS AND PENALTIES.
- A. If it appears to the Borough of Schuylkill Haven that a violation of this Zoning Ordinance has occurred, the Borough of Schuylkill Haven shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - C. An enforcement notice shall state the following:
 - 1. The name of the owner of record and any other person against whom the Borough of Schuylkill Haven intends to take action.
 - 2. The location 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 provisions of the zoning 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 a prescribed period of time in accordance with procedures set forth in Section 111.
 - 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 possible sanctions clearly described.
- D. Causes 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 Zoning Ordinance, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough of Schuylkill Haven at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

104. FILING FEES AND COSTS.

- A. The Borough Council may establish and update by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Zoning Ordinance. No application or appeal shall be considered filed until all fees are paid.
- B. Unless revised by future resolution of the Borough Council, the application fee for a conditional use shall be \$500 plus the actual costs of all legal advertisements. For review fees for a solid waste use, see Section 402.

105. INTERPRETATION AND SIMILAR USES.

- A. Minimum Requirements. The provisions of this Zoning Ordinance shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where more than one provision of this Zoning Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Zoning Ordinance are in addition to any other applicable Borough Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this Zoning Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a "similar use" under a specific provision of this Zoning Ordinance.
- C. Interpretation of Zoning Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Zoning Ordinance and the location of all District boundaries to particular applications. See Section 111 concerning appeals by an applicant. The Zoning Officer may request an advisory opinion from the Borough Solicitor or the Zoning Hearing Board Solicitor.

D. Definitions. If a word is not defined, the word shall be considered to have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

106. GENERAL PROCEDURE FOR PERMITS.

A. After receiving a proper application, the Zoning Officer shall either. 1) issue the permit under this Ordinance, or 2) refuse the Permit indicating a reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing. See Section 111 concerning appeals of a decision by the Zoning Officer.

B. Thirty Day Challenge Period. It is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

107. PERMITS AND CERTIFICATES.

A. Applicability. Any of the following activities or any other activity regulated by this Zoning Ordinance shall only be carried out after receipt of a Borough permit (except as stated below) and any additional required Borough approval after the applicant shows compliance with this Zoning Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign;
 - a. See Section 703 which lists signs not required to have a Borough permit.
 - b. Storage sheds of less than 50 square feet of floor area are not required to have a Borough permit.
2. Change of the type of use or expansion of the use of a structure or area of land;
3. Creation of a lot or alteration of lot lines; and/or
4. Creation of a new use.
 - a. A Borough permit is specifically required for any home occupation.

B. Types of Uses.

1. Permitted by Right Uses. This type of use may be granted zoning approval by the Zoning Officer if all requirements of this Zoning Ordinance are met.
2. Application Requiring a Variance. This type of use shall require a written approval by the Zoning Hearing Board.
3. Conditional Use. This type of use shall require a written zoning approval by the Borough Council, after the Planning Commission has been given an opportunity to review the application.

C. Applications.

1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Zoning Ordinance shall be made in writing on a form provided by the Borough.
 - a. The completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Zoning Officer or other Borough employee responsible for processing the application. The date of receipt should be noted on the application.
2. When a site plan is required, at least two copies shall be submitted. The site plan shall be drawn to scale. A site plan shall be required for: any new building, building addition, parking lot and where the Zoning Officer determines that a site plan is needed to determine compliance with this Zoning Ordinance.
3. Except as provided for in part "5." below, any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:
 - a. The location and dimensions of the lot,
 - b. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land,
 - c. Name and address of the applicant, or appellant,
 - d. Name and address of the owner of the affected property (if different from the applicant),
 - e. A description of the proposed use of the property,
 - f. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Zoning Ordinance
 - g. The locations of any trees or forested areas with a trunk diameter of six inches or greater measured 4.5 feet above the average surrounding ground level that may be impacted in any way by the proposal (with trees identified with a trunk diameter over 18 inches), and
 - h. All other applicable information listed on the official Borough application form.
4. Submittal to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Zoning Ordinance:
 - a. The present zoning district and major applicable lot requirements,
 - b. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,

- c. If a non-residential use is proposed close to dwellings, a description of hours of operation,
 - d. A listing of any sections of this Zoning Ordinance being appealed, with the reasons for the appeal.
 - 5. Porches and Accessory Buildings. For the construction of a porch or an accessory building of less than 250 square feet, the applicant shall only be required to submit evidence that the structure: a) will meet the setback requirements of this Zoning Ordinance, and b) will not intrude into the an existing septic system location or an officially designated alternate septic system location.
 - 6. Other Laws. The Zoning Officer may withhold issuance of a permit under this Zoning Ordinance if there is clear knowledge by the Zoning Officer that a use would violate another Borough, State or Federal law or regulation, until such time as the applicant proves compliance.
 - 7. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).
 - 8. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and individuals (such as the Planning Commission or Borough Engineer) for review and comment.
- D. Issuance of Permit.
- 1. At least three copies of any permit required under this Zoning Ordinance shall be made. One copy of the permit shall be retained in Borough files and one copy shall be retained by the applicant. A copy of the permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
 - 2. Posting. The applicant shall post a copy of the permit at a conspicuous location visible from a street while work is underway.
 - 3. Where applicable, a State Highway Occupancy Permit shall be required prior to issuance of a Borough Building Permit.
- E. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:
- 1. False statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)

2. Any work being accomplished or use of land or structures in such a way that does not comply with this Zoning Ordinance or an approved site plan or approved permit application or a condition imposed as part of a special exception, conditional use or variance approval.
 3. For any other just cause set forth in this Zoning Ordinance.
 4. For violation of the Subdivision and Land Development Ordinance.
- F. Temporary Permit. A temporary permit may be issued by the Zoning Hearing Board as a special exception for temporary commercial special events or temporary structures or uses subject to the following additional provisions:
1. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.
 2. Fee. Either the Zoning Hearing Board or the Borough Council may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
 3. Nonprofit. Only a well-established and Internal Revenue Service recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted.
- G. Changes to Approved Plans.
1. After the issuance of a permit or approval of a site plan under this Zoning Ordinance by the Borough, the approved application or site plan shall not be changed without the written consent of the Zoning Officer.
 2. Changes to a site plan approved by the Borough Council as a conditional use shall require re-approval of the changes by the Borough Council if the Zoning Officer determines that the changes significantly affect matters that were within their approval. The approval by the Borough Council is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

108. AMENDMENTS TO THIS ZONING ORDINANCE.

- A. Within the procedural requirements of the PA. Municipalities Planning Code (see Sections 609 and 610), the Borough Council may amend, "cure" or repeal any or all portions of this Ordinance on:
 - 1. Its own motion; or
 - 2. Upon agreeing to hear a written request of any person, entity or the Planning Commission.

- B. Review of Ordinance Amendments.
 - 1. For a proposed amendment that was not prepared at the direction of the Planning Commission, the Borough Council shall submit each the amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment and permit the Planning Commission an opportunity to provide recommendations.
 - 2. County Review. The Borough shall submit the proposed amendment to the Schuylkill County Planning Commission for recommendations at least 30 days prior to the hearing on the proposed amendment. No action shall be taken by the Borough Council until County comments are received, unless 30 days pass without comments being received.

- C. Application for Amendment. A request for amendment of the Zoning Ordinance shall be in writing. A request by a property-owner or developer shall state in writing the reasons for the request.

- D. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Borough officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send or have delivered in person written notice of the proposed change including the hearing date and time and a Borough official to contact for more information. The notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned.

- 109. CURATIVE AMENDMENTS. See Sections 609 and 916.1 of the Pennsylvania Municipalities Planning Code. For a curative amendment request, the applicant shall at a minimum compensate the Borough for all actual expenses for legal advertising, in addition to any other fees stated in the Borough fee schedule.

- 110. ZONING OFFICER.
 - A. Appointment. The Zoning Officer shall be appointed by the Borough Council. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.

- B. Duties and Powers. The Zoning Officer shall:
1. Receive and examine all applications required by this Zoning Ordinance, and issue or refuse permits within this Zoning Ordinance;
 2. Receive complaints of violation of this Zoning Ordinance, and enforce the Zoning Ordinance within the provisions established by the PA. Municipalities Planning Code;
 3. Maintain records of applications, permits, variances, written decisions and interpretations issued and of complaints received, of official reports rendered, and of legal notices;
 4. Perform all other duties called for in this Zoning Ordinance; and
 5. Not permit any activity which does not conform to this Zoning Ordinance.

111. ZONING HEARING BOARD ACTIONS, SPECIAL EXCEPTIONS AND VARIANCES.

- A. Appointment. The existing Zoning Hearing Board shall be continued and shall consist of three residents of the Borough appointed by the Borough Council, unless a differing number of members are authorized by another valid Borough ordinance. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code. Zoning Hearing Board members shall serve terms of three years, so fixed that the term of office of no more than one regular member and one alternate member expires each year. Members of the Zoning Hearing Board shall hold no elected office in the Borough.
- B. Vacancies. The Zoning Hearing Board shall promptly notify the Borough Council any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, 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 shall request it in writing.
- D. Organization.
1. Rules. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Borough ordinances and State law. The Zoning Hearing Board shall elect officers for annual or bi-annual terms from its own membership.
 2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Zoning Hearing Board, except within the hearing officer process established by the PA. Municipalities Planning Code.

3. Alternate Members. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code.
- E. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Decision by the Zoning Officer.
 - a. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Borough) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Zoning Ordinance.
 - b. See time limitations for appeals in Section 111.F.
 2. Challenge to the Validity of the Zoning Ordinance or Zoning Map.
 - a. The Zoning Hearing Board shall hear challenges to the validity of this Zoning Ordinance filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved.
 - b. After the conclusion of the hearing(s), the Zoning Hearing Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the PA. Municipalities Planning Code.
 3. Variance.
 - a. The Zoning Hearing Board shall hear requests for variances filed with the Zoning Hearing Board in writing by any landowner (or any tenant with the permission of the landowner).
 - b. Standards. The Zoning Hearing Board may grant a variance only within the limitations of State law. (As of 1993, the PA. Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;

- ii) 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 a variance is therefore necessary to enable the reasonable use of the property;
- iii) Such unnecessary hardship has not been created by the appellant;
- iv) 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; and
- v) 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.

- c. 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 Zoning Ordinance.
- d. The Zoning Hearing Board may also grant a variance for a physical improvement needed to comply with the Americans With Disabilities Act.

4. Special Exception.

Where special exceptions are to be considered as specified by Borough Council in this Zoning Ordinance, the Board shall grant or deny special exceptions pursuant to express standards and criteria as detailed in Article V in addition to any other applicable regulations listed in this Zoning Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

5. Hearings. See Section 112.

6. Records and Reports. The staff to the Zoning Hearing Board shall keep full public records of its business.

7. Court Appeals. In the case of an appeal from the Zoning Hearing Board to the Court of Common Pleas, the Appellant shall make the return required by law.

F. Time Limitations for Appeals. The time limitations for appeals shall be as follows:

- 1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially

issued, except as may be provided under Section 914.1 of the PA. Municipalities Planning Code.

2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
3. This 30 day time limit for appeals shall not apply to the revocation of a permit under Section 107.F.

G. Stay of Proceedings. See Section 916 of the PA. Municipalities Planning Code.

H. Time Limitations on Permits and Variances.

1. After a variance is approved or approval is officially authorized under this Zoning Ordinance, then a permit shall be secured by the applicant within 12 months after the date of approval or authorization. Action under the permit shall then begin within 12 months of the issuance of the permit.
2. Borough Approvals. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or conditional use approval that is related to the variance or issuance of a permit under this Zoning Ordinance within the above time limits, then the time limits shall begin after the plan review is completed or the plan approval is granted.
3. Federal or State Approvals. If an application requires a Federal or State permit or approval, then the time limits of this Section may apply from the date of issuance or approval, provided that: a) the applicant applied for permit or approval prior to or within 60 days after applying for Borough approval, and b) the applicant continues to diligently seek approval or permit.
4. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the time periods in this Section.
5. If an applicant fails to obtain the necessary permits within the above time period, or fails to diligently commence substantial construction within the above time period or allows interruptions in substantial construction of longer than six months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all approvals, variances and permits shall become null and void.

112. BOARD HEARINGS AND DECISIONS. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:

- A. Notice of Hearings. Notice of all hearings of the Zoning Hearing Board shall be given as follows:
1. Ad. Public notice shall be published, as defined by Section 107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
 2. Posting. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that the notice is posted and remains posted until the hearing.
 3. Persons Given Notice. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Commission, Borough Council and owners of record of property abutting and directly across the street from the lot lines of the subject property. Also, notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for notice. Any notices should be mailed or delivered by a Borough representative to the last address known to the Borough. The notice should be intended to be received at least five days prior to the hearing date.
 4. Adjacent Municipalities. In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, and which the Borough staff determines may have a significant impact on that municipality, the Borough staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on the matter at least seven days prior to the hearing date. Representatives of the adjacent municipality shall have the right to appear and be heard at the public hearing.
 5. Fees. The Borough Council may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Zoning Ordinance; and b) those persons requesting any notice not required by this Zoning Ordinance.
- B. Parties in Hearings. The parties to a hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board.
- C. Oaths and Subpoenas. The chair of the Zoning Hearing Board or Hearing Officer 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 reasonably needed by and requested by the parties.
- D. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

- E. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Zoning Hearing Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.
- F. Communications Outside of Hearings.
1. The Zoning Hearing Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
 2. The Zoning Hearing Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Zoning Hearing Board's solicitor.
- G. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission, County Conservation District, Borough Staff, Borough Engineer or other professional provide an advisory review on any matter before the Zoning Hearing Board.
- H. Initiation of Hearings. A hearing required under this Zoning Ordinance shall be initiated within 60 days of the date of an applicant's submittal of a complete application, unless the applicant has agreed in writing to an extension of time.
- I. Decision/Findings.
1. The Zoning Hearing Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Zoning Hearing Board, unless the applicant has agreed in writing to an extension of time.
 2. Where the application is contested or denied, the decision should include findings of fact and conclusions based thereon, together with the reasons for such conclusions. Any conclusion based on any provision of the PA. Municipalities Planning Code or of this Zoning Ordinance should contain a reference to the provision relied on.
- J. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit established by Section 908 of the PA. Municipalities Planning Code.

113. APPEALS.

- A. In General. All appeals of this Zoning Ordinance or any action of the Borough Council, the Zoning Officer or the Board under this Zoning Ordinance shall conform with Article X-A of the PA. Municipalities Planning Code. See Section 112 "Hearings."
 - B. Procedural Defects in Enactment. Allegations that this Zoning Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the Zoning Ordinance or amendment.
114. PUBLIC UTILITY EXEMPTIONS. This Zoning Ordinance shall not apply to 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 shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by the other parties and otherwise exercise the rights of a party to the proceedings.
115. BOROUGH LIMITED EXEMPTION. The minimum lot area and minimum lot width requirements of this Zoning Ordinance shall not apply to uses or structures owned by the Borough of Schuylkill Haven for uses and structures that are intended for a legitimate governmental or public health, safety, public utility or recycling purpose.
116. SITE PLAN REVIEW PROCEDURES FOR CERTAIN USES.
- A. When Site Plan Required. A site plan review by the Planning Commission and Borough Council is required for any of the following uses unless the physical layout of the buildings and improvements has been submitted as part of a subdivision or a land development.
 - 1. Any expansion of more than 1,000 square feet in floor area of a principal non-residential building.
 - 2. Any new principal non-residential building.
 - 3. Any new or expanded paved area of greater than 2,500 square feet.
 - B. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:
 - 1. Submission. A minimum of three complete copies of any required site plan shall be submitted to the Borough. Such site plan shall meet the information requirements listed in Section 116.C. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Zoning Ordinance. A minimum of one copy shall be retained in

Borough files. The Zoning Officer may request a review by the Borough Engineer if engineering matters are involved.

2. If earth disturbance is involved, a soil and erosion control plan shall be submitted to the Borough and the County Conservation District.
3. Time. The Planning Commission and Borough Council shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer within the time limit stated in Section 116.B.4. below.
4. The Zoning Officer shall review the site plan and determine its compliance with this Zoning Ordinance, based upon his review and any comments of the Borough Council and Planning Commission. The Zoning Officer shall make such determination within 90 days after the first scheduled Planning Commission regular meeting after the receipt of a complete site plan submission, unless the applicant grants a written time extension.
5. A Site Plan under this Section may be reviewed at any legally advertised, regular or workshop meeting of the Borough Council and Planning Commission.

C. Submittal Requirements. The following site plan submittal requirements shall not apply to a general home occupation. A required Site Plan shall include the following information, unless for information waived by the Zoning Officer as not applicable or necessary:

1. A statement describing the proposed use.
2. Layout. A site layout drawn to scale (1"=50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.
- 3.* Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations and types of required landscaping to be provided.
- 4.* Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon Section 601.
- 5.* Lighting and Signs. The height, location and general type of exterior lighting. The sign area, height, location and general method of lighting of signs.

6. Utilities. Note stating general proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services").
 7. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, odors, dust, fire or toxic or explosive hazards or other hazards to the public health and safety; together with proposed methods to control such hazards and nuisances.
 - 8.* Grading and Stormwater. Proposed and existing contours if earth disturbance is proposed. Identification of any slopes between 15 percent and 25 percent and greater than 25 percent proposed to be impacted. Proposed method of managing stormwater runoff. See steep slope provisions in Section 505. Delineation of any floodplains from the Official Federal Floodplain Maps.
 9. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.
 10. Zoning district and major applicable requirements.
 11. Name and address of the person who prepared the Site Plan, the applicant and the owner of record of the land.
 12. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Borough ordinances.
- * This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use.

117. CONDITIONAL USE PROCESS.

- A. Applicability. This section applies to uses listed as "Conditional Uses" in the applicable district.
- B. Procedure.
 1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variances that are directly relevant to the site layout and nature of the use is granted. The applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or a special exception.
 2. Submission. A minimum of three complete copies of any required site plan shall be submitted to the Borough. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to

determine compliance with this Zoning Ordinance. See Section 104 concerning fees. For review fees for a solid waste use, see Section 402.

3. Erosion Control. If earth disturbance is involved, the applicant shall submit a soil and erosion control plan to the Borough and the County Conservation District, unless such review will occur under the Subdivision and Land Development Ordinance.
 4. Borough Distribution. The Borough shall distribute copies of the site plan to the Planning Commission and the Borough Council. A minimum of one copy shall be retained in the Borough files. The Borough Fire Services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
 5. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Commission or Borough Council stating whether the proposal complies with this Zoning Ordinance. The Zoning Officer may request a review by the Borough Engineer.
 6. Planning Commission. The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Borough Council.
 7. The Borough Council shall not act to approve or deny a conditional use application unless: a) the Borough Council have received the reports of the Zoning Officer and the Planning Commission; or b) unless a period of 60 days has passed from the date of the application.
 8. The Borough Council shall approve, conditionally approve or disapprove the conditional use submission. In granting a conditional use, the Borough Council may require such reasonable conditions and safeguards (in addition to those expressed in this Zoning Ordinance) as it determines are necessary to implement the purposes of this Zoning Ordinance.
 9. The decision of the Borough Council shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or their representative.
 10. Subdivision and Land Development Ordinance. If an applicant requests, the conditional use application shall be reviewed during the same process as a land development or subdivision application.
- C. Approval of a Conditional Use. The standards of this Section 117.C. shall not apply to a General Home Occupation. The Borough Council shall approve any proposed conditional use if they find adequate evidence that the proposed use will:
1. Meet any specific standards for the proposed use listed in Sections 402 or 403.

2. Meet other applicable sections of this Zoning Ordinance.
3. Be in general conformance with the requirements of the Subdivision and Land Development Ordinance, as applicable. Actual approval under the Subdivision and Land Development Ordinance may occur separately from the conditional use approval if the applicant requests.
4. Meet all of the following standards:
 - a. Other Laws. Will not clearly be in conflict with other Borough Ordinances or State or Federal laws or regulations known to the Borough.
 - b. Traffic. Will not result in or significantly add to a traffic hazard or significant traffic congestion.
 - c. Safety. The applicant shall show that the use will not create a significant public safety hazard, including fire, toxic or explosive hazards.
 - d. Storm Water Management. Will follow adequate, professionally accepted engineering methods to manage storm water. Stormwater shall not be a criteria of a decision under this Zoning Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management by the Borough Council under the Subdivision and Land Development Ordinance.
 - e. Neighborhood. Will not significantly negatively affect the desirable character of an existing or approved residential neighborhood, such as causing heavy truck traffic through a residential neighborhood, or a significant odor or noise nuisance or very late night or early morning hours of operation.
 - f. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses.
 - g. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Zoning Ordinance, as stated in Article V.

118. LIABILITY.

- A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, storm water runoff, activity on steep slopes or any other review or permit of this Zoning Ordinance, by an officer, employee, consultant or agency of the Borough, shall constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

- B. If the Zoning Officer mistakenly issues a permit under this Zoning Ordinance, the Borough shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

ARTICLE II

DEFINITIONS

201. GENERAL INTERPRETATION. For the purposes of this Zoning Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
 - C. "Should" means that it is strongly encouraged, but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental".
 - E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
 - F. **If a word is not defined in this Zoning Ordinance, but is defined in the Borough Subdivision and Land Development Ordinance, as amended, the definition in the Subdivision and Land Development Ordinance shall apply.** If a word is defined in both this Zoning Ordinance and another Borough ordinance, each definition shall apply to the provisions of each applicable Ordinance.
 - G. Any word or term not defined in this Zoning Ordinance or in the Borough Subdivision and Land Development Ordinances, as amended, shall be used with its plain and usual meaning within the context of the Section. A standard reference dictionary should be consulted.
 - H. The words "such as", "includes", "including", and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provisions.
202. TERMS DEFINED. When used in this Zoning Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent"

Access Drive or Accessway. A Privately-owned, constructed and maintained vehicular access roadway accessing two or more dwelling units or two or more commercial, institutional or industrial principal uses. See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building. A building (such as a private garage, private toolshed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway. See definition of "abut."

Adult Bookstore. A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by

patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility.

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. This use generally is prohibited under State Act 219 of 1990.

Alley. A right-of-way providing secondary access to the side or rear on one or more lots.

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio or similar frequencies, but not including a satellite dish antennae or a commercial communications antennae. This includes any accessory supporting structures.

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Zoning Ordinance, and his heirs, successors and assigns.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/ manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and

safety and emission inspections. This use may include a convenience store selling ready-to-eat food for consumption off the lot, common household products and similar items.

Basement. An enclosed floor area partly or wholly underground, other than a building which is completely underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of six feet or greater and b) the top of the foundation of the building is an average of four or more feet above the finished grade of the front side of the building that faces onto a street.

Bed and Breakfast Use. The use of a single-family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for persons other than overnight guests, unless the requirements for a restaurant are also met. See standards in Section 402.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to offtrack pari-mutuel betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

Billboard. See "Sign, Off-Premises."

Board. The Zoning Hearing Board of the Borough of Schuylkill Haven.

Boarding House or Rooming House. A residential use in which: a) two or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation, or b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days.

Borough Council. The Borough Council of the Borough of Schuylkill Haven.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof

(such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Length. The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any one building or of attached buildings.

Building Line or Building Setback Line. See "Setback Line."

Building Width. The horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Business Service. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this Zoning Ordinance.

Commercial Communications Tower/Antennae. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, such as but not limited to antenna used for transmitting commercial radio or television signals or cellular telephone communications. This shall not include a standard antenna.

Commercial Outdoor Recreation. A use that a) has a total building coverage of less than 15 percent, b) is used principally for active or passive recreation (such as a driving range), and c) is used for a profit-making purpose.

Commercial Use. Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The document entitled the Borough of Schuylkill Haven Comprehensive Plan, or any part thereof, adopted by the Borough Council, as amended.

Conditional Use. A use which is allowed or denied by the Borough Council within the provisions of Article I, after review by the Planning Commission.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with the owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under either the Pennsylvania Unit Property Act of 1963 or was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

County. The County of Schuylkill, Commonwealth of Pennsylvania.

County Planning Commission. The Schuylkill County Planning Commission.

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

Day Care, Child. A use involving the supervised care of children under age 16 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." The following three types of day care are permitted without regulation by this Zoning Ordinance: 1) care of children by their own relatives or 2) care of one to three children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

- A. Child Day Care Center, as an Accessory Use. A type of "day care" use that provides care for six or fewer children at one time who are not relatives of the care giver. See Section 403.
- B. Child Day Care Center, as a Principal Use. A type of "day care" use that provides care for seven or more children at any one time who are not relatives of the primary operator. See Section 402.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

D.E.P. (or "DEP"). Shall mean the Pennsylvania Department of Environmental Resources, or its successor, and its relevant subparts.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging.

District (or Zoning District). A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Zoning Ordinance.

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Zoning Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.
- B. Apartments. Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- D. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open areas on all sides.
 - 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces

designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a "Recreation Vehicle," and g) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning.

- E. Single Family Semi-Detached Dwelling Half of a Twin Dwelling. One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex. Each unit may or may not be on a separate lot.
- F. Townhouse. One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."
- G. Two-Family Detached Dwelling. Two dwelling units accommodating one family each with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities, and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal 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. See Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications

towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than four persons who are not "related" to each other (see definition in Article II), except a higher number may be specifically permitted within the provisions for group homes in Section 402. A "treatment center" shall not be considered a "family" or a "group home."

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not regulate engineering retaining walls, which are permitted uses as needed in all Districts.

Floodplain (100-Year). See definitions in Article V of this Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. For the purposes of regulating floor area of dwelling units, floor area specifically shall not include the following: a) elevator shafts, b) common stairwells, c) unheated areas or d) unenclosed porches, decks or breezeways.

Garage, Private or Household. An enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Group Home. The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the "group home" standards of Section 402, and meets all other standards of that Section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.

4. Does not meet the definition of a "treatment center."
 5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.
- * NOTE: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof. See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Zoning Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. Is conducted primarily by a permanent resident of the dwelling;
- B. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum number of non-residents permitted by Section 403;
- C. Only include uses that are clearly incidental and secondary to the principal residential use;
- D. Specifically does not include a use prohibited as a home occupation in Section 403.

Home Occupation, Light. A "home occupation" that meets all of the following types of standards:

- A. Only persons who live within the dwelling shall work within a light home occupation,
- B. A light home occupation is limited to the following types of activities:
 - a) Office-type or clerical work (such as writing, editing, drafting, tax preparation, computer programming, computer data inputting, typing, addressing and sending mail),
 - b) Custom sewing and fabric crafts,
 - c) Creation of visual arts (such as painting, ceramics, sculpture or wood carving), or
 - d) Tutoring (such as musical instruction, art instruction or school-related tutoring).

Home Occupation, General. A "home occupation" that does not meet the standards for a "light home occupation," but which meets all other standards for a home occupation. For example, if a home occupation involves persons working on-site who do not live on-site, then approval is needed as a general home occupation. (A general home occupation typically requires conditional use approval.)

Hospital. A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A "hospital" may include a hospice for care of the terminally ill.

Hotel, Motel or Inn. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel, motel or inn may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

Impervious Coverage. The total area of all "Impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, the land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Borough Engineer shall decide any dispute over whether an area is "impervious."

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials other than materials permitted under Section 306.E. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and sale, other than within a completely enclosed building, of material of one or more of the following types:
1. "Junk." (see definition).
 2. A greater number of junk vehicles than is permitted under Section 604 that are partly or fully visible from an exterior lot line, dwelling or public street. This shall not apply to vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
 3. One or more mobile or manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

Kennel. The keeping of a total of more than 20 dogs or cats over three months in age on a lot. A non-profit animal shelter is a type of kennel.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least

12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Lot. A separate parcel of land that is recorded or that will be recorded after Borough final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

Lot, Corner. A lot abutting on two or more intersecting streets.

Lot, Flag. An irregularly shaped lot characterized by an elongated extension providing access from a street to the principal part of the lot. Flag lots are not permitted in the Borough.

Lot, Merged. A lot which has resulted from the merger of two or more abutting non-conforming parcels of land that were held under single ownership. See Section 806 which restricts such parcels from being sold separately.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

- A. Areas within the existing legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve three or more lots;
- B. Areas that exist as or will be required to be dedicated as common open space on a separate lot; and
- C. Fifty percent of areas within rights-of-way or easements intended for overhead electrical lines of 35 kilovolts or higher capacity, which shall only be excluded for residential lots.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

1. Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.
2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three sided lot has no rear lot line.)
3. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end. The lot width shall be measured facing a street.

Manufacture. The making, with substantial use of machinery, of some product for sale, and associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal or petroleum or kerosene refining or distillation.

Massage Parlor. An establishment that meets all of the following criteria:

- A. Manipulative exercises are performed using the hands and/or a mechanical or bathing device on a person's skin other than the face or neck by another person that is related to certain monetary compensation.
- B. The person conducting the massage is not: licensed as a health care professional or a licensed massage therapist by the State or related to the person receiving the massage by blood, adoption, marriage or official guardianship.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semi-private rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Medical Office. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and 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 general public and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, retail sales or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club." This use shall not include a motor vehicle race track.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore, but shall not include: a) removal of material from the ground to solely to provide routine fill, or b) routine movement of and replacement of topsoil during construction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of three or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes with each dwelling on its own subdivided and approved individual lot of record shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

Motel. See "Hotel."

Motor Vehicle Race Track. A use involving competitive driving of motor vehicles involving speeds routinely exceeding 30 miles per hour, other than driving upon a public street.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

Night Club. A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

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

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Zoning Ordinance, as amended, where such structure lawfully existed prior to the enactment of Zoning Ordinance or applicable amendment. Nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where the use was lawfully in existence prior to the enactment of this Zoning Ordinance or applicable amendment.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of three or more persons.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and television or radio broadcasting studios.

Official Street Classification Map. The map as adopted by the Borough Council classifying the streets of the Borough. See definition of "Street Classification." This map may be amended by resolution of the Borough Council.

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

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. If not intended to be publicly owned, is covered by a system for perpetual maintenance;
- C. Will be deeded to the Borough or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation; and
- D. Does not use any of the following areas to meet minimum open space requirements: 1) existing or future street rights-of-way, 2) accessways, 3) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), 4) off-street parking (other than that clearly intended for noncommercial recreation), 5) any area needed to meet a requirement for an individual lot, 6) any area deeded over to an individual property owner for their own use, or 7) land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Ordinance. The Borough Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

Paved Area. All areas covered by gravel or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

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

- A. Zoning Permit. A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Borough Staff, in accordance with this Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Zoning Ordinance, a zoning permit or "a permit under this Zoning Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

- B. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Borough Staff, in accordance with the provisions of the Building Code which may be adopted by the Borough.

Permitted By Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the Borough Council. (A site plan review by the Planning Commission and the Borough Council is required for certain permitted by right uses to ensure that the use would comply with all Borough ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use for housing of employees of the place of worship and their family. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling".

Planning Commission. The Planning Commission of the Borough of Schuylkill Haven.

Plant Nursery. The indoor or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry or lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use. A dominant use or main use on a lot, as opposed to an accessory use.

Publicly-Owned Recreation. Land or structures that are owned by a government agency or the Borough and are available for use by the general public for leisure and recreation.

Recreation, Private. Non-commercial leisure-time uses that are only open to members and their occasional invited guests or persons within a specific group reserved in advance.

Recreation, Commercial. Leisure-time uses that are primarily operated for commercial purposes.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use, an emergency services station or a college or university.

Related or Relative. Persons who are closely related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law or parent-in-law. For the purposes of child day care regulations, "relative" may also include a first cousin. This term shall not include relationships such as second cousins or cousins further removed.

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see Residential Accessory Structure Standards in Section 403.

Residential District. The R1, R2, and R3 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing dwelling on a lot of less than ten acres or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.

- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

- A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the Borough or the Commonwealth will own after the completion of any proposed subdivision, land development or development of a use under this Zoning Ordinance.
- B. Right-of-Way, Future or Ultimate. Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste and covering the waste with soil and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or "Satellite Antenna". A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of five and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to buffer an intense use from another use or street. See requirements in Section 803.D.

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

Septage. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

Setback Line.

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.B.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

Sewage Disposal System. A system to collect, treat and dispose of sewage.

- A. Central Sewer Service. Service at the time of occupancy of a use by a sewage treatment system that serves a minimum of 20 dwelling units or five principal non-residential uses.
 - 1. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.
- B. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "central sewer service."

Sewage Sludge. Land Application of. The spreading on land of the treated conditioned accumulated settled solids and similar stabilized residue from septic and holding tank pumping and sewage treatment systems.

Shopping Center. A use involving five or more retail or personal service uses or establishments and that primarily involves retail sales. A shopping center may also include a mix of permitted personal service, office and commercial recreation uses.

Sight Distance. An area required to be kept free of visual obstruction. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of

types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called "billboards."

Site Plan Review. Review of a site plan by the Planning Commission and/or the Borough Council that is required for certain uses under Article I.

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to the Borough of Schuylkill Haven Borough Council.

Solid Waste.

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household or commercial activities.
- B. For the purposes of this Zoning Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have clearly been separated from the waste stream for recycling.

Solid Waste Facility.

- A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.
- B. The following uses for the purposes of this Zoning Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste-to-Energy Facility. 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.

Solid Waste Transfer Facility. 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.

Special Exception. A use requiring zoning approval by the Zoning Hearing Board within the standards and procedures of Article I.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals.

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupants of the principal building on the lot and which is not used for the housing of a motor vehicle with four or more wheels.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance six feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than six feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to abutting lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Center Line. The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map for existing streets and as determined by the Borough Engineer for future streets:

- A. Arterial Street. Designed for high volumes and moderate speed traffic, with an emphasis on carrying through-traffic and providing access to abutting non-residential uses.
- B. Collector Street. Designed to carry a moderate volume of traffic to carry traffic from local streets to arterial streets.

- C. Local Street. Designed primarily to provide access to the abutting properties and to carry this traffic to collector streets.

Structure. Any man-made object, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure, swimming pools (whether above or below ground), storage sheds, carports, and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Zoning Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Zoning Ordinance.

Subdivision. See the definition in the Borough Subdivision and Land Development Ordinance.

Subdivision Ordinance or Subdivision and Land Development Ordinance. The Borough of Schuylkill Haven Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also provisions at the end of Section 306 which permit "Recreational Facilities" limited to use by employees of a use or residents of a development as an accessory use.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Theater, Outdoor Drive-In. An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles.

Tire Storage, Bulk. The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Townhouse. See "Dwelling Types."

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the Borough that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. Shall only include lands within a submitted preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract: and
- B. Shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A use that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing for persons who need specialized housing, treatment or counseling for stays of less than one year and who need the housing because of:

- A. Criminal rehabilitation, such as a criminal half-way house or a treatment center for persons convicted of driving under the influence of alcohol;
- 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. (For housing of persons with other types of mental illness, see "Group Home.")

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. This shall not include a use that involves significant processing, such as a feed and grain mill. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not

limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code.

Veterinarian Office. A building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Housing of primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

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

- A. Central Water Service. Service by a central water system that is owned and operated by a) a municipality, b) a municipal or county authority or c) a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.
 - 1. "Public" Water Service. Central water service by a system owned by a municipality or a municipal or county authority.
- B. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. An area of land or water meeting one or more definitions of a "wetland" under Federal or Pennsylvania law or regulations.

(NOTE.- As of 1996, the following was the official U.S. Army Corps of Engineers' definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas". Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1996, the U.S. Army Corps of Engineers and DEP enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" measured from the front lot line (which is the future street right-of-way line where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto two or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Zoning Ordinance.

Yard, Rear. A "yard" extending the full-width of the lot measured from the rear lot line and that stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Zoning Ordinance.

Yard, Side. A "yard" measured from the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Zoning Ordinance.

Zoning Map. The Official Zoning Map of the Borough of Schuylkill Haven, Schuylkill County, Pennsylvania.

Zoning Officers. The administrative officers charged with the duty of enforcing the provisions of the Zoning Ordinance, or their officially designated assistants.

Zoning Ordinance. The Borough of Schuylkill Haven Zoning Ordinance, as amended.

ARTICLE III

DISTRICTS

301. DESIGNATION OF DISTRICTS.

A. For the purpose of this Zoning Ordinance, the Borough of Schuylkill Haven is hereby divided into the following zoning districts:

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- C-1 Commercial District
- C-2 Commercial District
- P/C Public/Conservation
- I-1 Industrial District

B. For the purposes of this Zoning Ordinance, the zoning districts named in Section 301.A shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A shall mean the district name that is listed beside the abbreviation.

C. Floodplain. The Floodplain Area in Article V of this Zoning Ordinance, shall serve as an overlay area to all of the underlying districts.

D. Purposed of Each District. In addition to purposed stated in the Comprehensive Plan, the purposes of each zoning district are summarized below:

1. R-1 District. To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Comprehensive Plan for the Borough.
2. R-2 District. To protect the integrity of residential area by prohibiting the intrusion of incompatible nonresidential uses, and by requiring standards of land use and lot and building size and bulk which more accurately reflect existing development.
3. R-3 District. to delineate those areas where mobile homes may be permitted while protecting the character and integrity of surrounding uses.
4. C-1 District. To delineate a centralized area where shopping, recreation and cultural facilities are provided for the Borough as a whole, and to designate those areas in the Borough generally within walking distance of the major residential areas for convenience goods and services which will serve the every day needs of the residents and auto and highway user related services.

5. C-2 District. To provide for a range of needed commercial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To avoid very large commercial developments that are likely to attract high amounts of new traffic from outside of the Borough. To carefully control uses to protect the public health and safety.
6. Public/Conservation. To provide for the opportunity for development public use of the Island. Development will serve to promote public use of the Island along with promoting conservation of its environmentally sensitive areas while offer seeking educational and interpretative opportunities.
7. I-1 District. To designate those areas in the Borough best suited for industrial development because of location, topography, existing facilities, and the relationship to other land areas.

302. APPLICABILITY OF DISTRICT REGULATIONS.

- A. The regulations set by this Zoning Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Zoning Ordinance.
- B. No structure or land shall hereafter be erected, used, constructed, reconstructed or structurally altered and no structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein excepted as noted in Article III. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.

303. ZONING MAP.

- A. A map entitled "Borough of Schuylkill Haven Zoning Map" accompanies this Zoning Ordinance and is declared a part of this Zoning Ordinance. At least one copy of an Official Zoning Map which should bear the adoption date of this Zoning Ordinance and the words "Official Zoning Map," shall be retained in the Borough Hall.
- B. Map Changes. Changes to the boundaries and districts of the Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Zoning Ordinance.

304. DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, waterways and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this Zoning Ordinance, unless such district boundary lines are fixed by dimensions or other specific notations as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the maps unless the same is indicated by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area and lot width shall be regulated by the regulations of the municipality in which the principal use is located, unless otherwise provided by applicable case law.

305. SETBACKS AND BUFFERS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent. To seek compatible land use patterns across municipal boundaries.
- B. Where this Zoning Ordinance requires additional setbacks and the provision of buffer yards when certain uses abut an existing dwelling or a residential district, the same additional setback and buffer yard provisions shall be required when these certain uses are proposed within the Borough of Schuylkill Haven if they would abut such an existing dwelling or primarily residential zoning district that is located in an abutting municipality.

306. TABLE OF PERMITTED USES BY DISTRICT.

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

- P= Permitted by right (zoning decision by Zoning Officer).
- C= Conditional use (decision by the Borough Council with review by Planning Commission).
- N= Not permitted.
- S.402= See Additional Requirements in Section 402.
- S. 403= See Additional Requirements in Section 403.

- B. Unless otherwise provided by law or specifically stated in this Zoning Ordinance, including Section 105.B, any land or structure shall only be used or occupied for a use specifically listed in this Zoning Ordinance as permitted in the zoning district where the land or structure is located.

1. See provisions for similar uses in Section 105.
 2. Any use shall only be permitted if the use complies with all other requirements of this Zoning Ordinance, including, but not limited to the "Environmental Protection" requirements of Article V.
- C. In the C-1 District, no structure shall exceed a gross floor area of ten thousand (10,000) square feet, except as provided for in Section 402 of this Zoning Ordinance.

306.1 BUILDING FACADES

- A. The building facade which fronts on a public street shall be considered a front building facade and shall be designed and constructed with an architectural treatment appropriate to the street.
- B. For buildings on corner lots, one of the facades of the building which front on a public street shall be designated a front building facade.

TABLE OF USES BY ZONING DISTRICT

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
RESIDENTIAL USES							
Single Family Detached Dwelling (including manufactured/mobile home [S. 402]).	P	P	P	P	N	N	N
Single Family Semi-Detached Dwelling (½ of twin).	N	P	P	P	N	N	N
Two Family Detached Dwelling	N	P	P	P	N	N	N
Group Home within a lawful dwelling unit, not including a Treatment Center (S. 402).	P	P	P	P	N	N	N
Accessory Apartment - See under Accessory Uses in this Table.							
Townhouse (S. 402)	N	P	P	P	N	N	N
Boarding House (S. 402)	N	P	P	P	N	N	N
Apartments (S. 402)	N	P	P	P	N	N	N
Manufactured/Mobile Home Park (S.402)	N	N	P	N	N	N	N
Residential Flats (S. 402)	N	N	N	P	N	N	N
Conversion of existing building to result in an increased number of dwelling units (S. 402), other than as permitted under accessory uses.	P	P	P	P	N	N	N
COMMERCIAL USES							
Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use or Massage Parlor (S. 402).	N	N	N	N	N	N	C
Auto Repair Garage (S. 402)	N	N	N	P	P	N	P
Auto Service Station (S. 402) which may include a convenience store.	N	N	N	P	P	N	C
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	N	P	P	N	P
Bakery	N	N	N	P	P	N	P
Bed and Breakfast Use (S. 402)	N	P	P	C	N	N	N
Beverage Distributor	N	N	N	N	C	N	N
Business Services	N	N	N	P	P	N	P

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
Car Wash (S. 402) Commercial Outdoor Recreation including but not limited to uses such as privately-owned picnic grove or fairground, but <u>not</u> including the following uses: campground, golf course, motor vehicle race track, miniature golf, golf driving center or amusement center. Commercial Indoor Recreation (includes bowling alley, amusement arcade, roller or ice skating, batting practice and similar uses).	N C*	N C*	N C*	P C*	C* C*	N C*	N N
Communications Antennae/Tower, Commercial (S.402) (not including "antennas standard" or antennas for emergency service providers). Conference Center Construction Company/Trades Contractor's Headquarter/Storage (other than as a home occupation). Convenience Store, not include sale of gasoline. Custom Crafts or Artisan's Studio (other than a home occupation).	N N N N	N N N N	N N N N	N N N P P	N P P P P	C N N N N	C P P N N
Exercise Club Financial Institutions Funeral Home (S, 402) Garden Center Golf Course (S. 402). Golf Driving Center or Miniature Golf. Heliport (S. 402.) Kennel (S. 402).	N N N N N N N	N N N N N N N	N N N N N N N	P P P N N N P	P P P P P C C N P	N N N N C C N N	N N N N N C C C

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
Laundromat for Primarily Self-Service Use.	N	N	N	P	P	N	N
Laundry, Commercial or Industrial.	N	N	N	N	P	N	P
Medical/Dental Office with a maximum of two physicians or dentists working on the lot at one time.	N	N	N	P	P	N	N
Motel, Hotel, or Inn (S. 402).	N	N	N	N	P	N	N
Office (other than a home occupation)	N	N	N	P	P	N	P**
Personal Services (including tailoring, custom dressmaking, hair cutting, dry cleaning, shoe repair and other similar uses.	N	N	N	P	P	N	N
Repair of Household Items (other than home occupation).	N	N	N	P	P	N	N
Restaurant (S. 402) or Catering Business. (D) = Drive-thru service prohibited.	N	N	N	P(D)	P	N	N
Retail Store (not including uses listed individually in this table).	N	N	N	P	P	N	P***
Shopping Center	N	N	N	P	P	N	N
Target Range (S. 402).	N	N	N	N	N	N	C
Tavern	N	N	N	P	P	N	N
Theater as a principal use.	N	N	N	P	P	N	P
Trade School	N	N	N	N	P	N	N
Veterinarian Office.	N	N	N	P	P	N	N

* A ten acre minimum lot area and a five percent maximum total in previous coverage.

** Portion of building uses for office space shall not exceed 25 percent of the building's gross floor area.

*** Portion of building used for retail sales shall not exceed 10 percent of the building's gross floor area.

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1

INSTITUTIONAL USES							
Cemetery without Crematorium (S. 402)	P	P	P	P	P	N	C
Crematorium (see Cemetery in S. 402).	N	N	N	N	C	N	C
Community Center or Library (S. 402)	P	P	P	P	P	C	C
Day Care Center, Adult (S. 402) (See also as an accessory use).	N	N	N	P	P	N	N
Day Care Center, Child as a principal use (S. 402) (See also as an accessory use.)	N	P	P	P	P	N	N
Hospital (S. 402).	C	C	C	N	P	N	N
Membership Club (S. 402) - for bona fide civic, fraternal, religious, service, retired military, hunting, climbing, nature study, fishing and similar non-profit organizations.	C*	C*	C*	C	C	C	C
Museum	N	N	N	P	P	C	N
Nature Education Center.	N	N	N	P	P	C	N
Nursing Home or Personal Care Home (S. 402).	N	P	P	P	P	N	N
Place of Worship. (S. 402)	P	P	P	P	P	N	N
School, Public or Private, Primary or Secondary (S. 402).	P	P	P	P	P	N	N
Treatment Center (S. 402).	N	N	N	N	C	N	N

*Within a 10-acre minimum lot area, add a five percent maximum total impervious coverage.

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
INDUSTRIAL USES							
Assembly of Materials Manufactured elsewhere or finishing of previously prepared resin, vinyl, polymer or rubber products.	N	N	N	N	N	N	P
Asphalt Plant.	N	N	N	N	N	N	P
Beverage Bottling.	N	N	N	N	N	N	P
Distribution as a principal use (other than Trucking Company Terminal).	N	N	N	N	N	N	P

Industrial Equipment Sales, Rental, Service, other than vehicles primarily intended to be operated on public streets.	N	N	N	N	N	N	C
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area.	N	N	N	N	N	N	N
Junk Yard. (S. 402).	N	N	N	N	N	N	C
Liquid Fuel Storage, Bulk for Off-site Use, other than company vehicles based on-site.	N	N	N	N	N	N	C
Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation):	N	N	N	N	N	N	P
-Agricultural Chemical, Fertilizers or Pesticides.	N	N	N	N	N	N	P
-Apparel, Textiles, Shoes, and Apparel Accessories.	N	N	N	N	N	N	C
-Cement, actual manufacture of.	N	N	N	N	N	N	N
-Cement, Gypsum, Concrete or Plaster Products, other than actual manufacture of cement.	N	N	N	N	N	N	C
-Chemical Products that are not highly hazardous or toxic, other than fertilizers or pesticides.							

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation). -Ceramics, Clay, Glass, Wood, Furniture or Pottery products. -Coke or Potash work, including Coke Oven. -Electrical, electronic and Microelectronic Machines, Supplies and Equipment. -Explosives, Fireworks, Ammunition or Gunpowder, or bulk storage of (except government-owned facility). -Fabricated Metal Products (except Ammunition or Explosives). -Food Products, bulk manufacture (not including uses listed separately).	N	N	N	N	N	N	P
-Furniture and Wood Products (other than raw paper pulp). -Glass and glass products. -Jewelry, Leather, Clay and Pottery Products. -Paper and Cardboard products (other than raw paper pulp). -Paper, Raw Pulp.	N	N	N	N	N	N	P
-Paving or Roofing Material, other than bulk manufacture of asphalt. -Petroleum or Kerosene Refining or Distillation. -Pharmaceutical. -Plastics, Polymers, Rubber (natural or synthetic), Resins or Vinyl, actual manufacture of. -Primary Metal Products.	N	N	N	N	N	N	C
-Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber. -Scientific, Electronic, Optical and Other Precision Instruments.	N	N	N	N	N	N	P

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
-Soaps, Detergents, Paints, Varnishes, or Enamels.	N	N	N	N	N	N	C
-Tar or creosote manufacture, tar distillation, creosote treatment.	N	N	N	N	N	N	C
-Tire Retreading.	N	N	N	N	N	N	C
-Transportation Equipment or Manufactured/Modular Housing.	N	N	N	N	N	N	P
Mineral Extraction (S. 402) - of stone.	N	N	N	N	N	N	C
- of other than stone.	N	N	N	N	N	N	C
Packaging as a principal industrial use.	N	N	N	N	N	N	P
Photo Processing, Bulk.	N	N	N	P	N	N	P
Printing or Bookbinding.	N	N	N	N	N	N	P
Recycling Collection Center (S. 402) - See also as accessory use.	N	N	N	N	N	N	P
Recycling Center, Bulk or Industrial (other than a solid waste disposal or transfer facility).	N	N	N	N	N	N	C
Research and Development, Engineering or Testing Facility or Laboratory, not involving manufacture of toxic substances.	N	N	N	N	N	N	P
Sawmill/Planing Mill and Related Sales.	N	N	N	N	N	N	P
Self-Storage Development (S. 402).	N	N	N	N	N	N	C
Slaughterhouse or Stockyard.	N	N	N	N	N	N	C
Solid Waste to Energy Plant (S. 402).	N	N	N	N	N	N	C
Solid Waste Landfill (S. 402).	N	N	N	N	N	N	C
Solid Waste Transfer Facility (S. 402).	N	N	N	N	N	N	C
Trucking Company Terminal (S. 402).	N	N	N	N	N	N	C

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1

Warehousing as a principal use (other than trucking co. terminal) (S. 402).	N	N	N	N	N	N	P
Welding Shop.	N	N	N	N	N	N	P
Wholesale Sales.	N	N	N	N	P*	N	P
All Uses that would have a serious threat of being unable to comply with the performance standards of this Zoning Ordinance, especially including the "Environmental Protection" requirements of Article V.	N	N	N	N		N	N

* Shall not exceed 10 percent of gross floor area.

Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.	R-1	R-2	R-3	C-1	C-2	P-C	I-1
<u>PUBLIC/SEMI-PUBLIC</u>							
Emergency Service Station	C	C	C	C	C	C	C
Nature Preserve	N	N	N	N	N	C	N
Publicly-owned Recreation	P	P	P	P	P	C	P
Public Utility, other than Borough-owned, public utilities exempted by Section 103 or those permitted as "Essential Service" in Section 306.D. through G.	C	C	C	C	C	C	C
Swimming Pool, Non-household (S. 402).	N	P	P	P	P	C	N
Borough-owned Uses for governmental, utility, recycling, public safety, or recreation purposes.	P	P	P	P	P	C	P
U.S. Postal Service structure, which may include a leased structure.	N	N	N	P	P	N	P
<u>MISCELLANEOUS</u>							
Any Principal Use not Specifically Listed in this Section 306 (Except as permitted by Section 105 for uses that are similar to permitted uses).	N	N	N	N	N	N	N

<p align="center">Type of Uses See definitions in Article II P= Permitted by right (zoning decision by Zoning Officer). C= Conditional use N= Not permitted. S.402= Additional Requirements in Section 402. S. 403= Additional Requirements in Section 403.</p>	R-1	R-2	R-3	C-1	C-2	P-C	I-1
<p><u>ACCESSORY USES</u> Accessory Dwelling for "Relative" or Full-time Caregiver of Occupant of Principal Dwelling Unit or Full-Time Caretaker of Property, within building that existed at time of adoption of this Zoning Ordinance (S. 403). Composting on a bulk commercial basis involving manure brought to the site from land owned by other persons. Composting involving materials generated on-site or on property owned or leased by the same person. Home Occupation - General and Light (S. 403). Recycling Collection Center accessory to a permitted: School, Government-owned use, Place of Worship, Emergency Services Station or Solid Waste structure. See also accessory uses listed in Section 306. D., E., F., and G.</p>	P	P	P	P	N	N	N
Composting on a bulk commercial basis involving manure brought to the site from land owned by other persons.	N	N	N	N	N	N	C
Composting involving materials generated on-site or on property owned or leased by the same person.	P	P	P	P	P	N	P
Home Occupation - General and Light (S. 403).	P	P	P	C	P	N	N
Recycling Collection Center accessory to a permitted: School, Government-owned use, Place of Worship, Emergency Services Station or Solid Waste structure.	P	P	P	P P	N P	N C	N P

C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Zoning Ordinance:

1. Antennas, Standard (see definition in Article II) * and antennae for emergency services.
2. Day Care Center as an accessory use, within the limits on number of children in Section 403*.
3. Fence* or Wall*.
4. Garage Sale*.
5. Indoor Storage that is customarily accessory to a permitted use.
6. Keeping of Pets*.
7. Recreational Facilities, non-commercial, limited to use by employees of a lot or a development, or residents of a development and their occasional invited guests.
8. Residential accessory structure* (see definition in Article II).
9. Satellite Antennae*.
10. Signs, as permitted by Article VII.
11. Swimming Pool, Household*.
12. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use. For a skateboard ramp, see "Residential Accessory Structures" in Section 403.

* See standard for each in Section 403.

D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a lawful principal business or institutional uses, provided that all requirements of this Zoning Ordinance are met:

1. Amusement machines, coin or token operated as accessory uses.
2. Food, beverage and toy machines, coin operated.
3. Newspaper sales machines, coin operated.
4. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Standard or fast-food restaurant without drive-thru service,
 - b. Day care center,
 - c. Noncommercial recreational facilities, or
 - d. Meeting facilities.

E. Permitted Essential Services. The following are "Essential Services" that are permitted by right as a principal or as an accessory use in all districts:

1. Essential Services Exempt from Lot Area and Setback Requirements. The following essential services are not required to meet the accessory or principal structure setback, lot area or other lot requirements of this Zoning Ordinance,

except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.

- a. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
- b. Electrical transformers as an accessory use to dwellings.
- c. Electrical, telephone and street light poles.
- d. Electrical transmission and distribution lines and meters.
- e. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premise signs.
- f. Engineered retaining walls that are clearly necessary to hold back slopes.
- g. Ramps primarily intended for handicapped access.
- h. Ground level porches that are not covered by a permanent roof. See Section 803.B.
- i. Steps leading into the entrance of a building. See Section 803.B.
- j. Construction. Temporary storage of vehicles and materials and construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to. These vehicles and materials shall only be stored on a lot while the related Borough construction permit is actively still in effect.

2. Essential Services Required to Comply with Lot Area and Setback Requirements. The following are permitted essential services that are required (except within Section 106) to meet all of the applicable requirements of this Zoning Ordinance:

- a. Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving outdoor structures at least ten feet in height shall be required to provide evergreen screening within the requirements of Section 803 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.
- b. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.
- c. Solid waste bulk dumpsters and bulk compactors.
- d. Central sewage treatment facility meeting all PA, DEP and Borough regulations.

307. TABLE OF LOT AND SETBACK REQUIREMENTS BY DISTRICT

A. For the purposes of this Section 307, the following abbreviations shall have the following meanings:

sq. ft. = square feet.

ft. = linear feet.

Central Sewer = service at the time of occupancy by approved "central sewage service" as defined in Article II.

Central Water = service at the time of occupancy by approved "central water service" as defined in Article II.

NA = Not applicable.

- B. The following requirements shall apply for each respective district, **unless a more restrictive requirement is listed for a particular use** in Sections 402 or 403 or elsewhere in this Zoning Ordinance. See also the **steep slope regulations** of Section 505 which describe when larger lots are required in areas of 15 percent or greater slope.

District	Minimum Lot Area (Sq. Ft.) ²	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Minimum Front Yard (Ft.)	Minimum Side Yard* Total One Side/Both Sides (Ft.)	Minimum Rear Yard (Ft.)	Maximum Building Height (Ft/Stories)	Maximum Lot Coverage (%)
R-1	7,500	7,500	75	100	35	6/16	30	30/2.5	40
R-2									
Single-family	3,000	3,000	30	100	8	6/16	25	35/2.5	50
Two-family	3,000	1,500	30	100	8	6/16	25	35/2.5	50
Multi-family									
3-4 units	7,500	2,500	75	100	8	6/16	25	35/2.5	50
5-8 units	9,000	1,800	90	100	8	10/20	25	35/2.5	50
9 or more	15,000	1,666	150	100	25	10/20	40	150/12	50
R-3									
Single-family	3,000	3,000	30	100	8	6/16	25	35/2.5	50
Two-family	3,000	1,500	30	100	8	6/16	25	35/2.5	50
Multi-family									
3-4 units	7,500	2,500	75	100	8	6/16	25	35/2.5	50
5-8 units	9,000	1,800	90	100	8	10/20	25	35/2.5	50
9 or more	15,000	1,666	150	100	25	10/20	40	150/12	50
Mobile Home Park	see S 402								
C-1	5,000	---	50	100	8	---	---	50/4	50

* Where buildings are semi-attached, then there shall be required only one minimum side yard of at least 10 feet.

1. 50 feet from any R-District.
2. Where no central water service or central sewer service exists, minimum lot size shall be 20,000 sq. ft. per dwelling unit.

District	Minimum Lot Area (Sq. Ft.) ²	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Minimum Front Yard (Ft.)	Minimum Side Yard* Total One Side/Both Sides (Ft.)	Minimum Rear Yard (Ft.)	Maximum Building Height (Ft/Stories)	Maximum Lot Coverage (%)
C-2	6,000	---	60	100	25	8/20	20	40/3	70
P-C	5,000	---	50	100	20	10/10	15	35/2.5	50
I-1	20,000	---	100	200	40	20/201	50	50/4	40

* Where buildings are semi-attached, then there shall be required only one minimum side yard of at least 10 feet.

1. 50 feet from any R-District.

2. Where no central water service or central sewer service exists, minimum lot size shall be 20,000 sq. ft. per dwelling unit.


ARTICLE IV

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY

- A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, flood plain, environmental and other general requirements of this Zoning Ordinance and the requirements of each District. Wherever two requirements conflict, the more restrictive requirement upon the applicant shall apply.
- B. For uses allowed within a specific Zoning District as "Special Exception" or "Conditional Uses," see the procedures and general standards in Sections 111 and 117. These Sections 402 and 403 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES. Each of the following uses shall meet all of the following requirements for that use:

-  Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use.)
 - a. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, place of worship, public park, day care center, child nursery, library, existing dwelling not owned by the same owner as the adult use, or any site marked as a proposed future park location on any Borough Official Map.
 - b. No such use shall be located within 1,000 lineal feet of any existing "adult use."
 - c. A 35 feet buffer yard shall be provided along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of five feet.
 - d. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - e. No such use shall be used for any purpose that violates any Federal, State or Borough law.
 - f. See Section 709, Prohibited Signs.
 - g. No such use shall be allowed in combination with the sale of alcoholic beverages.
 - h. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
 - i. These uses are specifically prohibited in all Districts except where specifically permitted by Article III.
 - j. A minimum lot area of one acre is required, unless a larger lot is required in the applicable district regulations.
 - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing

adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.

- l. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers or between customers.
- m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
- n. All persons within any adult use, other than performers in an adult live entertainment use, shall wear non-transparent garments that cover their genitals and the female areola.
- o. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 1,000 feet of the subject property at least ten days prior to the hearing date.
- p. Any application for such use shall state the names, home addresses and home phone numbers of: a) all individuals intended to have more than a five percent ownership in such use or in a corporation owning such use; b) an on-site manager responsible to ensure compliance with this Zoning Ordinance; and c) any legal representative of the applicant. Such information shall be updated once a year in writing to the Zoning Officer.



Adult Day Care Center.

- a. Shall be fully licensed by the State, if required by the State.
- b. Shall include constant supervision during all hours of operation.
- c. Shall not meet the definition of a "treatment center."



After Hours Club. See State Act 219 of 1990, which generally prohibits this use.



Heliport.

- a. Minimum lot area - 15 acres.
- b. The site and its design shall be approved by the PA. Bureau of Aviation and the Federal Aviation Administration.
- c. The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
- d. The landing pad shall be a minimum of 300 feet from the lot line of any existing dwelling which the applicant for heliport does not own or have an agreement of sale. Any portion of a heliport shall be 100 feet from any other lot line.
- e. Conditions. The Borough Council, with advice by the Planning Commission, may place such necessary and reasonable conditions on the use to carry out the objectives of this Zoning Ordinance. These include limiting the types and sizes of aircraft, office hours of operations, the numbers of flights and the general direction of approach. However, such board shall not place any conditions on the use that will seriously interfere with the safety of the operations.



Auto Repair Garage or Auto Service Station.

- a. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that directs fumes away from any adjacent dwellings
- b. See performance standards in Article V, such as noise and glare.
- c. Outdoor storage of vehicles shall be setback a minimum of 20 feet from a lot line of an existing dwelling.
- d. Overnight outdoor storage of "junk" other than junk vehicles shall be prohibited within view of a public street or a dwelling.
- e. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time.
- f. Fuel pumps shall be at least 25 feet from the existing street right-of-way.



Auto, Boat or Manufactured Home Sales.

- a. No vehicle or home on display shall occupy any part of the existing street right-of-way or required customer parking area or any paved area setback required by Section 603.
- b. See light and glare standards in Section 511.



Bed and Breakfast Use- (see definition in Article II).

- a. Minimum lot area of 7,500 square feet plus 300 square feet for each sleeping in excess of four provided the prescribed yard, lot width, and height requirements for one-family dwelling are met.
- b. Capacity. A maximum of five rental units.
- c. Parking. 1.5 off-street parking spaces shall be provided for each rental unit, in addition to two off-street parking spaces for the owners/managers/employees. No more than two off-street parking spaces shall be located within the required front yard. If more than four parking spaces are provided within 25 feet of an adjacent dwelling, the spaces shall be separated from the dwelling by plant screening that primarily includes evergreens and that meets the approval of the Zoning Officer.
- d. At least one bathroom shall be provided for every three rental units, plus one bathroom for resident operators.
- e. Signs. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign which shall: 1) not be internally illuminated, 2) have a maximum sign area of six square feet on each of two sides, and 3) have a maximum total height above the ground of eight feet.
- f. Appearance. The use shall have an appearance and character consistent with a residence. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration,

cosmetic improvements and any necessary safety or handicapped access improvements.

- g. The use shall be operated and managed on a daily basis by owners permanently residing on the premises. A maximum of two non-resident employees may regularly work on the premises.
- h. Food. Separate cooking facilities shall not be provided in any guest room. Food shall only be served to guests who are staying overnight, and not to the general public, unless a restaurant is also permitted in the district and the requirements for a restaurant are also met.
- i. The use shall be limited to transient visitors to the area. No guest shall stay for more than 24 total days in any 60 day period.
- j. The use of any amenities, such as swimming pool or tennis court, shall be restricted in use by overnight guests and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is permitted in the district and the requirements for such use are also met.
- k. A Bed and Breakfast use may be within any principal building that meets the requirements of this Section. No new accessory building shall be built to accommodate rental units or a restaurant. All existing principal buildings shall be retained and the rooflines of such buildings shall be maintained.
- l. Recreation Activity Setback. All active recreation activities shall be setback a minimum of 25 feet from lot lines and shall cease within one hour after sundown.
- m. Liquor. The use shall not operate in combination with a liquor license, nor shall alcoholic beverages be sold by the drink. If alcoholic beverages are made available to guests, all applicable State laws regulating the alcoholic beverages shall be complied with.
- n. The general standards for conditional uses listed in Article I of this Zoning Ordinance shall be complied with.



Boarding House (or Rooming House).

- a. Minimum lot area- 7,500 square feet plus 300 square feet for each sleeping room in excess of four, provided the prescribed yard, lot width, and height requirements for a one-family dwelling are met unless a large lot is required by the applicable district regulations
- b. Each sleeping room shall be limited to 2 persons each.
- c. See also standards for "personal care home" which is a separate use.

- d. Signs shall be limited to two wall signs with a maximum of two square feet each.
- e. Rooms shall be rented for a minimum period of five consecutive days.



Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

- b. On-lot traffic circulation channels and parking areas shall be clearly marked.
- c. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
- d. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.
- e. Water from the operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
- f. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.
- g. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.



Cemetery.

- a. Minimum lot area- two acres.
- b. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the existing right-of-way of any public street and ten feet from the cartway of an internal driveway.
- d. No grave sites shall be located within the 100-year floodplain.
- e. The use shall include an appropriate system to ensure perpetual maintenance.



Communications Tower or Antennae, Commercial.

- a. The applicant shall provide written certification from a Professional Engineer stating that the communications tower/antennae will: a) meet the requirements of the latest BOCA Building Code for wind resistance and strength of construction and b) will be engineered to fall on the same lot if the structure would fail.
- b. A commercial communications tower shall have a maximum height of 250 feet.
- c. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet.
- d. Any freestanding tower that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 803.D.
- e. The applicant must demonstrate that it is not feasible to co-habitate existing towers in the area.



Community Center, Library

- a. Minimum lot area of 20,000 square feet.

- b. All parking, interior driveways, except necessary entrance/exit drives, shall be set back a minimum of 50 feet from all residential lot lines, and 25 feet from all other lot lines. All buildings shall be set back a minimum of 25 feet from all lot lines.



Conversion of Existing Buildings to Result in an Increased Number of Dwelling Units, other than as permitted under accessory uses.

- a. Only single-family detached dwellings can be converted. The maximum number of dwelling units after conversion is limited to two.
- b. Minimum lot area - 5,000 square feet per dwelling unit in the R-1 District and 2,500 square feet in the R-2, R-3 and C-1 districts. All other bulk and area regulations in Section 307 shall apply.
- c. Each dwelling unit shall contain within the unit a complete kitchen, toilet and bathing facility; shared facilities shall not be permitted.
- d. Each dwelling unit shall have a minimum habitable floor area according to the following table:

Type of Unit	Minimum Square Feet
Efficiency	400
1-bedroom	500
2-bedrooms	650
3-bedrooms	800
Each additional bedroom, den, or recreation room	150 additional square feet

- e. The appearance of a single-family dwelling unit shall be maintained. For the converted structure necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized; any changes which occur shall be of one manner consistent with the architectural character of the dwelling.
- f. Except for parking in driveways, no parking spaces shall be located in the front yard. Parking areas shall be designed so that each vehicle has access to the street without the necessity of moving another vehicle. All newly constructed driveways and parking spaces shall be set back a minimum of five (5) feet from all property lines. Off-street parking shall be designed to be accessible from the lowest order street on which the property fronts. Except for driveway and walkway accesses, buffering shall be placed around off-street parking areas which contain three (3) or more spaces. Plant material or fences shall be used. Material used in screen plantings shall be multi-stemmed evergreen species and shall be at least three (3) feet in height when planted. The plant material shall produce a visual screen of at least four (4) feet in height within two (2) years. Fences shall be four (4) to five (5) feet in height and shall provide a visual screen.

Off-street parking improvements shall be provided based on the number of bedrooms per dwelling unit with two spaces for one sleeping room plus one space

for each additional sleeping room. All parking areas shall also comply with Article VI of this Zoning Ordinance.

- g. Garbage and refuse pickup and other utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the neighborhood and shall be enclosed and shielded from view by fencing, walls, or shrubbery. Planted material or fences shall meet the standards for buffering of parking areas specified above.
- h. Certification of adequate sewer and water services shall be provided by the applicant.
- i. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four feet above the average finished grade level of the adjoining ground.



Day Care Center Child. - as a principal use

- a. See also day care center as an accessory use in Section 403.
- b. The use shall comply with any applicable county, state and federal regulations, including having an appropriate PA. Department of Public Welfare registration certificate or license.
- c. Convenient parking spaces with the requirements of Article VI shall be provided for persons delivering and waiting for children.
- d. In the R-2 and R-3 Districts, the use shall be meet the lot and dimensional requirements as a single-family detached dwelling for the R-1 District.
- e. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas routinely used for outdoor play to separate the areas from abutting streets or other attractive nuisances or hazards on adjoining lots.
- f. Outside play areas shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 200 feet of an abutting dwelling.
- g. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the lot line of an abutting existing occupied dwelling.
- h. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- I. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.
- j. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.



Funeral Home.

- a. On a zoning lot having a minimum of seventy-five hundred (7,500) square feet plus three hundred (300) square feet for each chapel.
- b. The prescribed yard, lot width, and height requirements for a single-family dwelling are met in the R-1 District.
- c. There shall be no crematory, receiving vault, preparation room, or display of merchandise or advertising visible from outside the main or accessory building.
- d. There shall be no loading or unloading of merchandise or bodies of deceased persons on public property.
- e. There shall be no parking or standing of motor vehicles on public property.
- f. The scale of business in relationship to the character of uses around the particular location will be such as not to be detrimental to, or alter the character of, the neighborhood.



Golf Course.

- a. The course shall be designed so that golf balls are unlikely to enter public streets or property that is not part of the golf course.
- b. A clubhouse, retail sales of golf supplies and/or restaurant may be permitted as accessory uses. Any building shall be setback a minimum of 250 feet from any "residential lot line".
- c. Minimum lot area- 40 acres.
- d. Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
- e. Maximum building coverage- three percent.
- f. Maximum impervious coverage- ten percent.
- g. Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.
- h. A golf course may include a driving range, if the area occupied by the users is setback a minimum of 250 feet from any "residential lot line".



Group Home.

- a. See definition in Article II.
- b. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.
- c. Certification. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Borough, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Borough within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.
- d. Registration. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available for public review upon request.

- e. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.
- g. The use shall not meet the definition in Article II of a "treatment center." A group home shall not house persons who can reasonably be considered to be a physical threat to others.



Hotel/Motel.

- a. Recreational facilities limited to overnight guests and a standard restaurant may be permitted accessory uses to a hotel or motel.
- b. See definition in Article II, which distinguishes between a hotel/motel and a boarding house.



Junk Yard. (includes automobile salvage yard)

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line; and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- d. Outdoor storage shall be completely surrounded (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration of vehicles or junk is prohibited.
- f. See the noise or dust regulations of Article V.
- g. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.
- h. Lot area - three acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.



Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
- b. Buildings shall be adequately soundproofed so that sounds generated within, the buildings cannot routinely be heard within any adjacent dwelling.

- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. A kennel may be used for breeding.
- f. Minimum lot area - ten acres.



Membership Club.

- a. Any such use shall front on a public street having a minimum pavement width of not less than thirty (30) feet and shall provide ingress and egress so as not to minimize traffic congestion.
- b. Such uses shall not be located on lots less than 8,000 square feet with a minimum traffic congestion.
- c. Target Range - see listed separately.



Mineral Extraction. The following Mineral Extraction provisions shall not apply to routine removal of material from a site (such as shale) for use as fill of land.

- a. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive future use.
- b. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earth berm averaging a minimum of six feet in height and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence, and shall meet the size and type requirements of Section 603.
- c. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:
 - 1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - 2) 150 feet from a commercial or industrial building, unless released by the owner thereof,
 - 3) 250 feet from a "residential lot line", other than an abandoned dwelling,
 - 4) 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,
- d. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
- e. Fencing. The Borough Council may require secure fencing in locations where needed to protect public safety.
- f. Noise and Performance Standards. See Article V.

- g. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
- h. Hours of Operation. The Borough Council may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- i. Engineering Review. The application shall be sent to the Borough Engineer or an alternate Engineer appointed by Borough Council for a review, with the reasonable costs of such review paid by the applicant.
- j. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of Borough approvals under this Zoning Ordinance, and such Borough approval may be revoked for violation of this condition.
- k. Preemption. Unless a specific preemption of this Zoning Ordinance by a State or Federal regulation or law, the most restrictive provisions upon the applicant shall apply whenever one or more municipal, State or Federal regulations apply.
- l. Application Requirements. For any Mineral Extraction use involving a proposed excavation of more than one acre, the following shall be submitted:
 - 1. Present uses of the site.
 - 2. A scaled map, prepared by a professional engineer, showing the locations of:
 - a. The proposed area to be excavated (and maximum depth);
 - b. Other land to be affected including but not limited to: i) storage sites for overburden, ii) access and haulage streets, iii) storage sites for equipment, and iv) offices and other accessory structures;
 - c. Lot lines of adjacent lots, and owners and existing uses of these lots;
 - d. Watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;
 - e. Any wetlands and forested areas to be removed or protected and preserved as part of the use.
 - 3. A detailed land reclamation plan of the area to be excavated, showing:
 - a. Proposed reclaimed use and topography of the land following site mineral extraction;
 - b. Actions to be taken during mining to conserve and replace topsoil removed during mining operations;
 - c. Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.
- m. Regulation of the Maximum Acreage Actively Used for Mineral Extraction
 - 1. To ensure that large areas of land will be reclaimed in compliance with State and Borough regulations, the Borough Council of Supervisors may establish a maximum number of acres which may be "affected by mineral

extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.

2. Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and that contains waste or spoil piles from existing or prior mining activities.



Mobile/Manufactured Home on an individual lot or within a mobile/ manufactured home park.

- a. Construction. Every mobile/manufactured home shall have been constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. For safety reasons, any mobile/manufactured home not meeting such standards shall not be placed on a different lot for use as a residence in the Borough of Schuylkill Haven, but such home may remain at an existing location if habitable.
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have the hitch mechanism removed and it is also recommended, but not required, that the wheels and axles be removed and stored under the home in order to lower the home.
- d. Anchoring. The applicant for a permit to install a manufactured/mobile home shall provide written certification to the Zoning Officer that the installation of the home complies with this Zoning Ordinance. An anchoring system shall be installed that will prevent shifting or uneven settling of the home and to provide a base for installation of tie-downs. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.
 1. The anchoring system shall consist of concrete piers, concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). The piers or footings shall be a minimum of four inches greater in width than the concrete blocks used to support the home. This foundation system shall be placed on approximately eight feet centers (unless another distance is specifically recommended in writing by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than three feet overhang at each end of the section.
 2. One-half inch diameter by 12 inch long eyebolts, or approved equivalent unshaped bars that shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
 3. Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast

in place eyebolts on at least four comers and two midpoints. The tie-down shall also be in accordance with the manufacturers' recommendations furnished with each home.

4. Mobile homes shall not be placed more than four feet above the supporting ground area.
- e. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:
 1. Industry-approved skirting material compatible with the home; or,
 2. If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step height below the first floor elevation. If this alternative is used an access area with lower grade through the masonry wall shall be installed for service access.
- f. Homes shall have a pitched instead of a flat roof.
- g. Homes on individual lots should be located with the longest side facing any boundary public street.
- h. Permit. Each mobile home shall require a Borough permit prior to placement on a site.



Mobile/Manufactured Home Park.

- a. Any mobile/manufactured home park shall meet all requirements of the Subdivision and Land Development Ordinance, except where two provisions regulate the same matter, the more restrictive upon the applicant shall apply. Spaces for individual mobile homes within a mobile home park are not required to be individually surveyed and shall not require individual metes and bounds descriptions.
- b. Mobile/manufactured home parks include the development of parks planned as a unit which are located on tracts of land at least five acres in size. Also includes individual mobile/manufactured homes located in such parks. Such mobile/manufactured homes parks and individual mobile/manufactured homes shall comply with all of the regulations of the State of Pennsylvania for Mobile Home Parks and with the following additional regulations.
- c. Individual mobile/manufactured home lots located in a mobile/manufactured home park shall contain at least 4,000 square feet of lot area. The clustering of mobile/manufactured homes home units on a lesser sized area, to produce a livable environment, may be permitted; provided that the objectives of this Section are complied with and provided further that the overall average lot area per unit of the park shall not be less than 4,000 square feet.
- d. No mobile/manufactured home shall be located closer than 50 feet to any property line defining the external boundary of the park. This open area shall include evergreen screening meeting the requirements of Section 803 where abutting an existing single family detached dwelling. The same area of land may count towards the setback requirements.

- e. No structure located on any lot in any mobile/manufactured home park shall be closer to any front line than 25 feet; to any side lot line than ten feet; nor to any rear lot line than 20 feet.
- f. The minimum side clearance between any two adjacent mobile/manufactured homes shall be 30 feet.
- g. Roadway or area lighting shall be reflected away from adjoining properties.
- h. The commercial sale of mobile/manufactured homes from mobile/manufactured home parks, by a mobile/manufactured home dealer, shall be prohibited.
- i. Individual tenants at the mobile/manufactured home park may construct attached enclosures to individual mobile/manufactured homes, provided that such enclosures do not exceed 100 percent of the floor area of the mobile/manufactured home. Individual building and zoning permits shall be required for such enclosures in each case.
- j. The layout and construction of new streets within the mobile/manufactured home park shall conform with the requirements of the Subdivision Regulations of the Borough.
- k. All mobile/manufactured home parks shall provide to each lot line both a continuing supply of safe and portable water as approved by the Pennsylvania Department of Environmental Protection (DEP). The park shall provide a connection to public sanitary sewage disposal facilities of the Borough or to facilities provided by the developer, which shall be in accordance with, and as approved, by the DEP.
- l. All area devoted utility purposes, such as garbage storage area, common washing or drying facilities and other such areas shall be adequately screened.
- m. A mobile/manufactured home park may include a recreation center for residents, a rental or management office, maintenance buildings for the park, swimming pool and the sale of mobile/manufactured homes that will be placed on the tract.



Nursing Home.

- a. Licensing - See definition in Article II.
- b. Minimum lot area- 10,000 square feet unless a larger lot area requirement applies in the applicable district. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
- c. The density shall not exceed more than one resident or bed per 250 square feet of total building floor area.

- d. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from a "residential lot line."



Personal Care Home. The standards for nursing homes in this section shall apply.



Picnic Grove, Privately-Owned.

- a. All parking and activity areas shall be a minimum of 250 feet of an existing dwelling other than a dwelling with the same owner as the picnic grove. The use shall not operate in a way that is perceptible from beyond the lot lines between the hours of 10:30 p.m. and 7 a.m.
- b. See noise and glare standards in Article V.
- c. Minimum lot area - five acres.



Place of Worship.

- a. Minimum lot area- 10,000 square feet unless a larger lot area requirement applies in the applicable district.
- b. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided that the requirements for such uses are also met.
- c. One dwelling unit for a religious leader(s) of the place of worship and their family may be accessory to a place of worship on the same lot.
- d. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
- e. The location of automobile parking on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
- f. Minimum front and rear yards shall be ten feet greater in depth, and minimum side yards shall be ten feet greater in width, than the minimum required for any other main structure in the district in which such use is located.



Recycling Collection Center.

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary

school, a place of worship or a Borough-owned use, subject to the limitations of this section.

- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for garbage generated on-site or garbage accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or melting or mechanical shredding of metal or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard and shredding of newspaper.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.



Residential Flats.

Residential flats shall be located on the second floor of a building only above permitted commercial uses on the first floor, and shall occupy no more than 15 percent of the developable acreage; if the second floor of a building contains a residential flat, no non-residential use shall be permitted on that floor; and each residential flat shall contain either one or two bedrooms and shall be no less than 500 square feet for a one bedroom dwelling unit and 650 square feet for a two bedroom unit.



Restaurant.

- a. If drive-thru service is provided, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-thru service is provided. The words on such signs shall not be readable from a street or residential lot line.
- b. Traffic circulation onto, within and off of the lot shall be clearly marked. Any drive-thru use shall be designed: a) with adequate capacity for waiting vehicles, and b) to avoid conflicts with traffic onto, around and off of the site.



School, Public or Private, Primary or Secondary

- a. Minimum lot area - one acre, if less than 100 students, three acres if 100 students or over.
- b. No children's play equipment, basketball courts, baseball backstop or infield or illuminated recreation facilities shall be within 25 feet of a residential lot line.
- c. The use shall not include a dormitory unless specifically permitted in the District.



Self-Storage Development.

- a. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- b. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- c. The interior traffic aisles, required off-street parking areas, loading areas and accessways shall be kept clear of stored items.
- d. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- e. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- f. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 803.
- g. Maximum building length- 250 feet.
- h. Minimum separation between buildings- 20 feet.



Slaughter House.

- a. Minimum lot area- 10 acres.
- b. The buildings where slaughtering takes place shall not be located closer than 250 feet from all exterior lot lines, and no closer than 500 feet from a "residential lot line."



Solid Waste Facility. (Including a sanitary landfill, solid waste-to-energy facility or solid waste transfer facility) - See definition in Article II.

- a. No property shall be used as a dumpsite for solid waste without a valid Borough and a valid DEP permit. The Borough permit may be suspended for violation of a Borough or DEP requirement.
- b. An applicant for a solid waste facility shall reimburse the Borough for all legal advertisements related to the application, plus pay a non-refundable administrative fee of \$2,000 plus establish an escrow account of \$40,000 to be used to compensate the Borough for actual and customary expenses of professional reviews (such as but not limited to engineering and impact reviews). Any escrow funds used for such reviews shall be nonrefundable, while any funds not used for such reviews shall be returned to the applicant after the final Borough approval.
- c. Site Plan. A site plan shall be submitted meeting the requirements of the Subdivision and Land Development Ordinance and including all information required by DEP on any site plan submitted to the State. The site plan shall show existing and proposed final topography, proposed fencing and landscaping, owners of adjacent lots, proposed haul and access roads, proposed staging,

- location of equipment and tire cleaning areas and location of weighing and firefighting facilities.
- d. The applicant shall submit the names and current addresses of any and all persons who have any ownership interest of more than five percent in the proposed use or in businesses that are proposing or intended to own or operate the use. The experience of the applicant in developing and operating other solid waste facilities shall be described.
 - e. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA DEP at the same time as they are submitted to DEP.
 - f. A statement shall be submitted describing proposed uses of landfill land after landfilling operations are completed.
 - g. A traffic study shall be submitted showing intended routes for truck traffic and estimating the total number of vehicles of over 20,000 pounds gross vehicle weight that are expected to enter and exit the facility, and the expected impact of these vehicles on the roads considering the roads' existing construction.
 - h. An environmental assessment shall be submitted, including the following:
 1. Summary of important findings in language understandable to laypersons, with references to more detailed reports and data (such as in appendices),
 2. Descriptions of and maps showing the suitability of the proposed site for the use,
 3. Applicable technical data provided in an appendix,
 4. Impacts upon natural and cultural features, including surface water quality, groundwater quality, air quality and historic buildings,
 5. Impacts upon stormwater and floodwater,
 6. Visual impacts,
 7. For a use involving incineration, a professional analysis of the expected health impacts of the facility on humans, including a review of relevant studies on the matter.
 - i. Setbacks.
 1. All solid waste storage, disposal and incineration shall be a minimum of 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.
 2. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 400 feet from any of the following: residential district, publicly-owned park, lot line of any existing dwelling (which the applicant does not have an agreement to purchase) or the banks of any perennial creek or river.
 3. A landscaped area with a minimum width of 100 feet shall surround the site and shall not be used for any use other than perpendicular driveway crossings.
 - j. The use shall be served by a minimum of two access roads paved with a dust free surface, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles, in which case it may be stoned instead of being paved.

- k. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the DEP. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.
- l. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this Zoning Ordinance.
- m. Open burning of refuse is prohibited as part of a solid waste facility. Garbage may not be dumped or buried except at an approved solid waste facility.
- n. The applicant shall prove to the satisfaction of the Borough Council that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas. The Borough Council may require the applicant to make specific improvements to roads to handle extraordinarily heavy loads.
- o. In cooperation with PA. DEP requirements, an appropriate double liner and a system to collect and treat leachate and methane is very strongly encouraged for any sanitary landfill.
- p. The applicant shall prove to the satisfaction of the Borough Council that the use would not routinely create noxious odors off of the tract.
- q. A chainlink or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Borough Council that this is unnecessary. The Borough Council may also require temporary litter-control fences surrounding current dumping areas. The Borough Council shall require earth berms, evergreen screening and/or shade trees with a minimum total effective height of eight feet or more as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- r. A minimum total lot area of 50 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of ten acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 50 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- s. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- t. Attendant. At least two employees shall be present during all times of operation.
- u. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- v. Emergency Access and Services. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided. Fire extinguishers, air packs for employee use and an adequate water

supply shall be supplied on site. Employees shall be trained in basic firefighting methods. An emergency communications system shall be provided on site, together with appropriately located telephones available to contact local emergency services.

- w. Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 8 a.m. and 7 p.m. The use shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Labor Day or the 4th of July.
- x. Tires. See "Outdoor Storage and Display" in Section 403.
- y. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks. All open waste trucks entering and exiting the site shall be covered.
- z. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- aa. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.
- bb. The applicant shall provide sufficient information for the Borough to determine that the requirements of this Zoning Ordinance will be met.
- cc. State Requirements. Nothing in this Zoning Ordinance is intended to supersede any State requirements. It is the intent of this Zoning Ordinance that when similar issues are regulated by both the Borough and State, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Borough regulation in a particular aspect.
- dd. A tire cleaning area shall be provided on access roads from a landfill.
- ee. The operator shall enter into an agreement with the Borough specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of three years after any landfill is closed. For a landfill, such testing shall include at a minimum groundwater monitoring wells. For an incineration use, shall testing shall at a minimum include air pollution monitoring.
- ff. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center or a bulk recycling center are permitted in combination with any permitted solid waste disposal facility.
- gg. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.
- hh. For each acre upon which active landfill operations begin, a \$10,000 bond payable to the Borough of Schuylkill Haven shall be posted by the operator to ensure appropriate restoration of the site and adequate monitoring after the use is ended. Such bond shall be in a form acceptable to the Borough Solicitor. Such bond shall be in effect for a minimum of ten years after the operations cease.
- ii. The operator shall keep written records of the origin of all solid waste, and of the type of any waste accepted other than "municipal waste."

- jj. Under the authority of State Act 101 of 1988, the Borough Council may appoint one or more landfill inspectors. Such inspector shall have authority to visit the site, to monitor operations and the review records regarding the origin and types of waste.
- kk. See Act 101 of 1988 which provides municipalities the authority to charge "host fees."
- ll. The Borough Council may establish certain minimum insurance requirements for the applicant as a condition of Borough approval. Such insurance shall at a minimum include a \$10 million liability policy regarding environmental hazards.



Swimming Pool, Non-Household. (For swimming pools serving one household, see Section 403)

- a. The water surface shall be setback at least 25 feet from any lot line.
- b. Minimum lot area- one acre.
- c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of Section 803.
- d. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system; or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
- f. Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
- g. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.



Target Range.

- a. 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.
- b. The Borough Council may require that an outdoor firearms target range comply with applicable National Rifle Association standards.
- c. An outdoor firearms target range shall be located a minimum of 500 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless the use is within a completely enclosed sound-resistant building.
- d. An outdoor firearms target range shall be fenced and be property posted.
- e. The applicant shall show that the noise limits of Article V will be met.
- f. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.



Townhouses.

- a. Maximum Number of Dwelling Units Within Any Building or Within Attached Buildings - eight.
- b. The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Zoning Ordinance are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.
- c. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.
- d. Buffer Yard. A 20 foot wide buffer yard with screening shall be provided by the developer of the townhouses, as described in Section 803.D., between any townhouse principal building and:
 - 1. Any abutting existing single-family detached dwelling within 100 feet; or
 - 2. The right-of-way of an arterial street that abuts the rear of townhouse units and is within 100 feet.
- f.. Floor Area - See Section 801
- g. Building Setback and Separation. The following minimum setbacks shall apply for townhouse buildings, whichever is most restrictive:
 - 1. For principal and accessory structures from all rights-of-ways of preexisting streets - 50 feet;
 - 2. For accessory structures from a lot line within the townhouse or low-rise apartment tract - three feet.
- h. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.
- i. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- j. Minimum Width of Townhouses- Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that:
 - 1. Has two or more off-street parking spaces located within 20 feet of the front of the front of the townhouse; or
 - 2. Has garage door(s) for two or more motor vehicles facing onto the front of a townhouse.
- k. Additional Requirements: For Construction of Private Streets - See Section 801 "Frontage Onto Improved Streets." For preservation of natural buffers - See Section 803.D. For dumpster screening - See Section 512.
- l. Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 20 feet from any dwelling.

- m. To avoid garages from being an overly prominent part of the view of townhouses from streets, landscaped parking courts or garages/carports at the rear of dwellings are encouraged.
- n. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial street.
- o. Common Open Space.
 - 1. For any townhouse development involving 25 or more dwelling units, a minimum of ten percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Zoning Ordinance or the Subdivision and Land Development Ordinance. Common open spaces are encouraged to be used as a buffer against any abutting major roads.
 - 2. The applicant shall prove to the satisfaction of the Zoning Officer, upon advise of the Borough Council, that there will be an adequate permanent method in place to maintain the common open space.
 - 3. Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.
- p. Condominiums. The division of land into individual lots is not required, but instead, condominium ownership may be used.



Treatment Center.

- a. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Borough Council as a conditional use.
- b. The applicant shall prove to the satisfaction of the Borough Council that such use will involve adequate supervision and security measures to protect public safety.
- c. The Borough Council may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.



Trucking Company Terminal

- a. Any portion of the conduct of business shall be located so that no vehicular entrance or exit shall be closer than 200 feet to an entrance or exit of any elementary or secondary or vocational school, playground, church, or public library.



Veterinarian Office (includes Animal Hospital).

- a. A minimum lot area of at least 10,000 shall be required, unless a larger lot area is required by the applicable district.

- b. Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- d. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.



Warehouse or Wholesale Sales.

- a. See off-street loading requirements in Section 605.
- b. No storage of garbage (other than is routinely produced on-site and awaiting regular collection) shall be permitted.
- c. See requirements in Section 403 for "Outdoor Storage or Display."

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by-right, special exception or conditional use are permitted by right, except as is provided for in this Zoning Ordinance.
- B. Accessory Setbacks. All accessory structures shall conform with the minimum yard regulations established in Table 307 except as permitted below.
 - 1. Unattached structures accessory to residential buildings. Structures accessory to residential buildings which are not attached to a principal structure, may be erected within the required side and rear yards of a principal structure provided that they conform with the following.
 - a. Maximum height. One and on-half stories not to exceed 15 feet.
 - b. Distance from side lot line. For those lots 22 feet wide and less, a side yard shall not be required. Lots greater than 22 feet, but 30 feet or less, one side yard shall be required. Lots greater than 30 feet, two side yards shall be required. Where a side yard is required or provided, it shall be a minimum of three feet from the side lot line. In those instances where a side yard setback is not provided, a two hour rated fire wall shall be constructed on the side lot line side of the structure abutting the neighboring property.
 - c. Distance from rear lot line. Not less than four feet from the rear lot line.

- d. Distance from principal structure. Not less than ten feet from a principal structure.
 - 2. Unattached structure accessory to nonresidential buildings. Such accessory structures shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of at least ten feet.
 - 3. Unless specifically noted, the provisions of this Ordinance shall not apply to terraces, steps, unroofed porches or other similar features not over three feet high above the level of the floor of the ground story.
- C. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:



Accessory Dwelling for a Relative or Full-Time Caregiver or Caretaker.

- a. An existing single-family detached dwelling shall maintain the appearance of a single-family detached dwelling from the street with a single front entrance. Additional entrances may be placed on the side or rear of the structure, or the dwellings may internally share the single front entrance.
- b. The principal dwelling unit shall include a minimum of 600 square feet of floor area.
- c. A maximum of two total dwelling units are permitted.
- d. The accessory dwelling unit shall be inhabited by a minimum of one of the following:
 - 1. A "relative" (as defined in Article II) of an occupant of the principal dwelling unit on the lot;
 - 2. A full-time caretaker of the property who does not pay cash rent and who does not have any other full-time occupation; or
 - 3. A full-time caregiver (such as a nurse) to an occupant of the principal dwelling unit, provided such caregiver does not pay cash rent and who does not have any other full-time occupation.
- e. The dwelling unit should be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit (or in the case of an accessory building, revert to a non-residential use) after the permitted occupants no longer lives within it. Once the accessory dwelling is no longer occupied by a permitted occupant, the dwelling shall be reconverted into part of the principal dwelling unit, be removed or be converted to storage or another permitted use.
- f. If the accessory dwelling is within the same building as the principal dwelling, the two dwelling units shall have at least one interconnecting inside door.
- g. The dwelling shall be within a principal or accessory building that existed at the time of adoption of this Zoning Ordinance, or within an addition to such a building.



Composting as a principal or accessory use.

- a. On a lot of less than three acres, composting shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste, and shall not include animal wastes or fats.
- b. Composting shall only be conducted in ways that fire, rodent or disease-carrying insect hazards or noxious odors are not created.
- c. Composting of manure shall be setback a minimum of 150 feet from any dwelling on an adjacent lot, and be located and graded to prevent manure from being washed into a creek, lake, or river by storm water.
- d. See the guidelines of the Pennsylvania State University Cooperative Extension Service concerning manure management.
- e. Compost shall be kept free of other garbage.
- f. The following regulations shall apply:
 1. The provisions of this subsection 2.f. shall not apply to composting involving materials such as manure generated on-site or generated on property owned or leased by the same person.
 2. The applicant shall prove to the satisfaction of the Borough Council that:
 - i. Sufficient setbacks, screening, siting, methods and structures will be used to reasonably ensure compatibility with neighboring properties, including minimizing odors off the site; and
 - ii. Sufficient measures will be used to protect water quality.
 3. Minimum lot area - 50 acres.
 4. Minimum setback for structures or areas used for the production or storage of compost from:
 - i. Lot lines of dwellings with different owners than the owner of the composting use - 600 feet.
 - ii. Other exterior lot lines and the centerlines of creeks - 300 feet.
 - iii. Compost shall not be bulk stored or leveled within 100 feet of wells, lakes, rivers or creeks or within a 100-year floodplain.
 5. All leachate and compost pad runoff shall be collected and properly treated.
 6. All compost wharves shall be constructed of an acceptable all-weather impervious surface.



Day Care Center as Accessory Use to a Residential Use.

- a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit, in addition to children who are not "related" (see definition in Article II) to a permanent resident of the dwelling:
 1. In a single-family detached dwelling with a minimum lot area of 7,500 square feet and a 10 feet setback from all existing dwellings: maximum of six children.
 2. In any other dwelling unit: maximum of three children.
- b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic and any needed safety improvements.

- c. Any day care center involving seven or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.
- d. The use shall be actively operated by a permanent resident of the dwelling.
- e. The building shall have smoke detectors and at least one A-B-C fire extinguisher.
- f. A minimum of 200 square feet of safe exterior play area shall be available, which preferably should be fenced.



Fences and Walls.

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. Sight Distance, Stormwater and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.C. No fence or wall shall obstruct the flow of stormwater, except as part of a Borough approved stormwater system.
- c. Fences.
 - 1. Front Yard. Any fence located in the required front yard of a lot in a residential district shall have a minimum ratio of 1:1 of open to structural areas (such as a picket fence or split rail fence).
 - 2. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - 3. Height. A fence in a residential district that is within ten feet of a residential lot and that is not within a required front yard shall have a maximum height of six (6) feet, except:
 - a. A maximum of height of ten feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation provided that such fence is setback a minimum of ten feet from all lot lines; or
 - b. If an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard.
 - 4. Setbacks. A fence may be constructed on a lot line, except: a) a fence shall not be placed within a street right-of-way; and b) a fence of a business shall be setback a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. Homeowners are encouraged but not required to setback fences at least two feet from an abutting lot line in order to allow for maintenance over the long-term.
 - 5. Fence materials. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.

- d. Walls.
 - 1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
 - 2. In a residential district, a freestanding wall (other than a necessary retaining wall) shall have:
 - a. A maximum height greater than four feet within a required front yard or is within ten feet of a lot line other than a required front yard; and
 - b. Seven feet in other locations.



Garage Sale.

- a. See definition in Article II. A garage sale shall not include sale of new merchandise (other than custom crafts).
- b. Garage sales shall be limited to a maximum of four total days in any two consecutive months.



Home Gardening, Nurseries and Greenhouses.

Home gardening and accessory structures, used for nurseries or as greenhouses, are permitted in residential areas provided they are used by the residents for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.



Home Occupation, General or Light. (see definitions in Article II)

- a. A home occupation shall be conducted completely indoors, and may be within a principal or accessory building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 20 percent of the total floor area of the principal dwelling unit.
- b. There shall be no outdoors operations or outdoors storage of materials, products or equipment.
- c. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for one non-illuminated sign with a maximum sign area of 1-1/2 square feet on each of two sides and a maximum height of eight feet. (See Section 703)
- d. Truck Traffic. The use shall not require the parking of, storage of or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for: 1) One vehicle used by a resident whose primary occupation is as an over-the-road driver of such vehicle; or 2) Trucks clearly serving a permitted agricultural use.
- e. Uses permitted as a home occupation include but are not limited to: art studio, office, custom sewing, tax preparation or musical instruction.
- f. The following uses shall not be permitted as a home occupation: veterinarian office on a lot of less than three acres, stable, kennel, funeral home, industrial uses

- (other than custom crafts and sewing), wholesale or retail sales on the premises (except as accessory to custom crafts and except for sales over the phone or through the mail), restaurant, outdoor repairs of motor vehicles (other than farm equipment) or trucking company terminal, machinery repair or manufacturing.
- g. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby, domestic or sewing purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
 - h. The use shall also comply with all environmental and nuisance control regulations of this Zoning Ordinance, including Article V.
 - i. Parking and Loading. The lot shall include sufficient parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit. A defined driveway shall be provided, and shall be shown on the site plan. The applicant shall prove that the driveway provides for safe sight distance.
 - 1. If five or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.
 - 2. The applicant shall show that there is a safe location available as needed for any deliveries, which shall be located off of the cartway of a public street.
 - 3. For any vehicle repair operation, a maximum of two vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operator of the use.
 - j. Building Appearance. The exterior of a previously residential building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
 - k. Hours. A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9 p.m. and 7 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
 - l. Hazardous Substances. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling.
 - m. Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
 - n. Number of Employees. A total maximum number of one person * who is not permanent residents of the dwelling may work on the premises at one time, except for a use that only involves clerical, administrative or office-type activities, the above maximum of one person may be increased to three persons, provided that the applicant proves to the Borough Council that the use will not cause adverse impacts upon neighbors, such as high amounts of traffic.

- * Except a barber or beauty shop shall not employ any non-residents. The maximum number of employees shall not apply to persons accomplishing clearly agricultural work.
- o. Instruction - Any instruction or tutoring shall be limited to a maximum of four students on the property at any one time.
- p. An applicant for conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photo-copy of the zoning application and a statement of the date, time and place of the meeting at which the application is intended to be reviewed by the Borough Council. The information shall be mailed or delivered a minimum of seven days before the meeting.
- q. A permit shall be required for any home occupation. In most cases, Section 307 also requires conditional use approval for a home occupation. If the type of a home occupation changes, a new approval shall be needed.
- r. No new buildings shall be constructed to accommodate a home occupation.
- s. Driveway entrances for a home occupation shall have a maximum width of ten feet, unless a wider width is required by PennDOT or the Borough. The applicant shall prove that any driveway for a general home occupation will meet the PennDOT minimum sight distance requirements that would apply as if a new driveway would be proposed onto a State road. The sight distance shall consider where parking would be possible.
- t. If a Home Occupation is also regulated as a principal use, and if any additional standards apply to such principal use in Section 402, then the Home Occupation Business shall also be required to meet those standards in Section 402.



Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.

- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing street right-of-way, sidewalk or other area intended or designed for pedestrian use, required parking area or required setback (see Section 603).
- b. No storage or display shall occur on areas with a slope in excess of 25 percent or within the 100-year floodway.
- c. Screening. See Section 803.D., "Buffer Yards."
- d. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high, and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet.



Pets, Keeping of.

- a. This use shall not include a use meeting the definition of a kennel.
- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except

within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.

- c. For carrier pigeons, see the State Carrier Pigeon Law.
- d. The non-commercial keeping of horses is permitted on a lot of two acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any abutting lot line (other than a street right-of-way) and 150 feet from any existing dwelling other than that of the owner of the horses. Any commercial keeping of horses shall be considered a "stable" or a "farm-related business."
- e. Proper soil erosion control measures shall be used as needed.



Satellite Antennas. See also setback requirements for an accessory structure in the applicable district. See also Commercial Communications Antennas in Section 403.

- a. The following regulations shall only apply within a residential district for a satellite antennae that is visible from a street or an adjacent lot line:
 - 1. Maximum diameter - 11 feet; and
 - 2. Maximum total height of 15 feet above the average ground level.
- b. Earth tones are strongly encouraged.



Swimming Pool, Household. Referred hereafter as "pool".

- a. The pool shall not involve any commercial use.
- b. Enclosure Around In-Ground Pools. An new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than six feet in height nor more than eight feet in height. This enclosure shall be constructed to make it very difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.
- c. Enclosure Around Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall or other enclosure a minimum of four feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
- d. Location. A pool and any deck or shelter that is elevated above the average surrounding ground level may be located within the required rear or side yards for the district in which the pool is located, except that no portion of the pool shall be located closer than two feet or ten percent of the lot width, whichever is greater, to the side property line and ten feet from the rear property line. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.

- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
- f. Permits. Permits shall be required for all pools of a permanent or semi-permanent nature which require construction or assembly and which may be designed to hold water to a depth greater than twelve inches.

ARTICLE V

ENVIRONMENTAL PROTECTION

501. ADDITIONAL INFORMATION.

If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards. The applicant may specify that portions of such submittal shall be treated as confidential to be viewed only by Borough officials without a business interest in such matters, in order to protect proprietary information.

502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

- A. No land owner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:
1. Communicable disease or other public health hazards, including activities that encourage the breeding of disease-prone insects or rodents.
 2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
 3. Activity that prevents a neighboring landowner of ordinary sensitivities from making reasonable use of their property.
 4. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards.
 5. Activity that causes serious pollution to groundwaters or surface waters. See Section 506.
- B. It is the responsibility of every property owner to ensure that their property does not threaten public health or safety, and to remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to structurally unsound structures, including those damaged by fire. The Borough does not accept responsibility to identify or address all such hazards.

503. WETLANDS REVIEW.

- A. If the Zoning Officer, based upon review by the Borough Engineer or the County Conservation District or DEP or the Fish and Wildlife Service or the Army Corps of Engineers, has reason to believe that a portion of a site proposed to be altered may possibly meet the State or Federal definitions of a "wetland", the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the

locations of wetlands. However, the Borough accepts no responsibility to identify all wetlands or to warn all parties of such possibilities.

- B. All permits of the Borough are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for non-compliance with the regulations.

504. SETBACKS FROM CREEKS.

- A. Purpose. To protect the water quality of surface waters, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants and provide for setbacks that can be used as required yard areas for a use.
- B. Setbacks From Creeks. No new principal building or new off-street parking for more than two vehicles or new commercial or industrial storage area shall be located within 75 feet of the center of the waterway of the Schuylkill River. See the Borough floodplain map in case such map regulates a wider area.
- C. Exceptions. The setbacks of this Section shall not apply to public utility facilities, publicly-owned recreational facilities, expansions of existing buildings or the placement of accessory structures.
- D. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this Section undisturbed, except at approved waterway crossings.

505. STEEP SLOPES.

- A. Applicability. If an area of a lot including slopes of 15 percent or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision/ land development plans.
- B. Plan. A steep slope site plan shall meet the following requirements:
 - 1. Show detailed slope contours for all areas that potentially may be disturbed and constructed upon,
 - 2. Identify all areas of 15 percent to 25 percent and greater than 25 percent slope,
 - 3. Be to scale (such as 1 inch = 50 ft.),
 - 4. Show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,

5. Be stamped by a professional surveyor, professional engineer, or registered landscape architect,
6. Show proposed locations of principal buildings, streets, driveways, on-lot septic fields and other areas of soil disturbance, *
7. State the maximum slope of proposed driveways and streets, and
8. Show an area of 20 feet around the proposed principal building locations.

* If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this Section.

C. 15 to 25 Percent. If a proposed principal building and driveway location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with 15 percent or greater slopes, but do not include more than 1,000 square with slopes greater than 25 percent, the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Zoning Ordinance:

1. Minimum lot area of ten acres per dwelling unit or per principal non-residential use. and
2. Maximum impervious coverage of five percent.

D. Greater than 25 Percent. If a proposed principal building location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with slopes greater than 25 percent, then the Zoning Officer shall not permit the construction of such principal buildings within the proposed location.

E. Erosion Control. See Section 511.

F. Grading; Man-Made Slopes. No grading shall occur in such a way that would circumvent the requirements of this Zoning Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Zoning Ordinance. This section shall not apply to man-made slopes that naturally were not 15 percent or greater slope.

G. Driveways. A new driveway shall not be built that would require cutting against contours through an area of 30 percent or greater natural slope for 75 feet or longer, measured in a straight line.

506. THREATS TO WATER QUALITY.

- A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterway.
- B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to a engineered collection area, or other method approved in writing by the Borough Council or DEP.
- C. All hazardous substances shall be properly labeled, and shall be in compliance with the PA. Worker and Community Right to Know Act.

507. SEWAGE DISPOSAL.

- A. All methods of wastewater disposal shall meet requirements of DEP, the Borough Sewer Authority and the Official Borough Sewage Facilities Plan, as amended, as applicable. Uses within 300 feet of a sanitary sewer line connected with a public sewer system shall be required to connect to the line.
- B. Review of on-lot systems. Any septic system is required to be reviewed by the Sewage Enforcement Officer (SEO) for adequacy if a change of use or expansion of use would cause a significant increase in sewage flows, or if there would be an increase in the number of dwelling units. If the SEO determines that a system is malfunctioning or undersized, improvements may be required to the system prior to such change of use or expansion.
- C. Back-up System. Any lot using an on-lot septic system that is to be granted final subdivision approval as part of a subdivision after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be found suitable based on soil probes, but not necessarily a perc test, by a State-certified Sewage Enforcement Officer and found in writing to meet State setback and slope requirements. The soil probes shall be located a minimum of 15 feet from the boundaries of the proposed primary septic system. A Borough sewage permit is not specifically required at the time of subdivision approval for such back-up system.
- D. On-lot systems and lot area. A more restrictive minimum lot area may be established by the SEO based on DEP regulations.

508. NOISE.

- A. No principal or accessory use, or its operations, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

Land Use or Zoning District Receiving the Noise	Hours/Day	Maximum Sound Level
--	-----------	---------------------

10 feet inside a Residentially Zone Lot	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	1) 68 DBA 2) 63 DBA
10 feet inside any Lot Line not listed above	All times and days	73 DBA

- B. The maximum permissible sound levels in the above table shall not apply to any of the following:
1. Sound needed to alert people about an emergency.
 2. Repair or installation of utilities or construction of structures, sidewalks or streets.
 3. Household power tools and lawnmowers.
 4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
 5. Railroads, aircraft or vehicles operating on a public street.
 6. Public celebrations specifically authorized by the Borough Council or a County, State or Federal Government agency or body.
 7. Unamplified human voices or the sounds of pets.
 8. Ringing of bells and chimes by a place of worship.

509. VIBRATION

No use shall generate vibration that is perceptible to an average person through their senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures and utilities.

510. ODORS AND DUST.

No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot.

- A. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using "normal farming practices" within: a) Act 133 of 1982, as amended, the State "Right to Farm Act" or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

511. GLARE.

- A. Street Lighting Exempted. This Section 511 shall not apply to street lighting that is owned, financed or maintained by the Borough or the State.
- B. Glare. All lights and signs shall be designed and operated to reasonably minimize the amount of light and glare they generate onto residential lots and streets. 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 or adjacent lots. 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 and to prevent the lighting from shining into the eyes of passing motorists.

- C. Height of Lights. No luminaries spotlight or other light source that is within 200 feet of a dwelling shall have a height exceeding 25 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- D. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

512. EROSION CONTROL, DRAINAGE, FILLING, EXCAVATION, AND GRADING.

- A. Grading and Erosion Plans. In advance of any earth disturbance (including grading, filling and excavation), other than crop farming, an appropriate sedimentation and erosion control and grading plans shall be submitted to the Zoning Officer if such work:
 - 1. Involves an area greater than 0.5 acre,
 - 2. Will create finished slopes greater than 3: 1, or
 - 3. Involve alteration of areas with a natural slope in excess of 15 percent.

These plans may be subject to reviews by the Borough Engineer and the County Conservation District.

- B. Erosion. Earth moving activities and the stripping of vegetation shall be held to a reasonable minimum to avoid erosion. All Borough permits are granted on the condition that State erosion and sedimentation regulations and any submitted erosion and sedimentation plan are complied with. Failure to comply with such regulations or plan shall be cause for suspension of Borough permits.
- C. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building and away from on-lot septic fields. Adequate stormwater control shall be used to protect buildings on the subject lot and all adjoining property. This shall include, but not be limited to, measures to prevent high-velocity, concentrated runoff from damaging other property and causing erosion.
- D. Grading shall not be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
- E. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well compacted and provide a suitable and secure base.

- F. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.
- G. Stripping of Topsoil. Sufficient top soil to grow grass and similar vegetation shall remain on all land, except for areas approved to be paved.

513. FLOOD-PRONE AREAS.

- A. Purposes. To prevent loss of life and destruction and damage of property; to avoid government expenditure for flood protection, rescues and reconstruction; to avoid public health and safety hazards; to avoid increases in flood levels and velocities; and to reduce the numbers of persons unknowingly investing in land or new structures that are prone to flooding.
- B. Floodplain Applicability. The regulations of this Section shall apply throughout the entire Borough as "overlay" zoning regulations that supplement the zoning district regulations. Where the regulations of this Section differ from the regulations of any other Section of this Zoning Ordinance, the provision that is more restrictive on development shall apply. See the "Liability" section in Article I.
- C. Description of Floodplain Areas. For the purposes of this Article, the "100-Year Floodplain" shall be those areas identified as "Special Flood Hazard Areas Inundated by 100-Year Flood" or such similar designation on the latest version of the official Flood Insurance Study for the Borough as issued by the U.S. Department of Housing and Urban Development or its successor agency which shall hereafter be referred to as the "Federal Floodplain Study."
 - 1. Floodway - shall mean the channel of a stream plus any adjacent portions of the 100-Year Floodplain that must be kept free of encroachment in order to prevent the increase of flood levels by more than one foot.
 - 2. Flood-Fringe - shall mean portions of the 100-Year Floodplain that are not within the 100-Year Floodway.
 - 3. Floodplain Amendments. The Borough Council may officially amend the 100-Year Floodplain to account for man-made or natural changes, or to incorporate an updated Federal or State study or to accept an appropriate professional study that provides a detailed analysis of a specific segment of a waterway. However, any official amendment of the official Floodplain Map requires prior approval of the Federal Insurance Administration or its successor agency.
 - 4. Interpretation.
 - a. The Zoning Officer shall initially determine the location of the 100-Year Floodplain areas based upon the Federal Floodplain Study.

- b. Where exact measurements do not exist, the boundaries of the 100-Year Floodplain areas shall be determined by scaling distances from the official Floodplain Map. The Zoning Officer may request the advice of the Borough Engineer.
 - c. The applicant may appeal such determination to the Zoning Hearing Board as a variance. In such case, the full burden of proof shall be on the applicant to prove that the determination of the Zoning Officer or the study being used is not accurate. See the standards for a professional floodplain study in part "513.D.4" below.
5. Definitions. For the purposes of this Zoning Ordinance, the following terms shall have the following meanings:
- a. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. The term "development" shall also include but not be limited to the placement or development of a "mobile/manufactured home" (as defined below) on a lot.
 - b. Historic Structure. A structure that is:
 - i) Listed individually on the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or
 - ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district, or
 - iii) Individually listed on a local inventory of historic places under a program that has been certified by the PA Historical and Museum Commission.
 - c. Mobile/Manufactured Home. Shall mean either: i) a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities; or b) any recreational vehicle or travel trailer that is placed on a lot for more than 180 consecutive days.
 - d. Substantially Improved. See Section D.6.c.

D. Permitted and Prohibited Uses in the 100-Year Floodplain.

- 1. Within the 100 Year Floodplain, each of the following is prohibited:
 - a. Construction of new buildings,

- b. Construction, development, placement or extension of a structure that could inhibit the passage of 100-Year floodwater or that could reduce the water carrying capacity of a 100-Year Floodplain,
- c. Filling in or grading within the 100-year floodplain, other than minor finished grading or excavation that the applicant proves to the written satisfaction of the Borough Engineer will not result in a net reduction in the water carrying capacity of the floodplain,
- d. Redirection of a perennial waterway, other than stream improvements authorized by the PA. Fish and Boat Commission that are intended solely to improve aquatic habitats,
- e. The development or expansion of any of the following uses:
 - 1. Manufactured/ mobile homes or manufactured/ mobile home parks,
 - 2. Jails or prisons,
 - 3. Nursing homes or hospitals,
 - 4. Junkyards or solid waste disposal facilities,
 - 5. Bulk manure storage, or
 - 6. Grave sites of cemeteries.
- f. Storage of any substances, items or materials that would be:
 - 1. Buoyant and not anchored or tied down or easily moved within the time available after a flood warning,
 - 2. Toxic,
 - 3. Highly hazardous,
 - 4. Explosive, or
 - 5. Radioactive.
- g. Any new or substantially improved structure that will be used for the production or storage of any of the following substances or substances involving a similar degree of hazards or any use involving the maintenance of more than 550 gallons of any of the following substances:
 - 1. Acetone,
 - 2. Ammonia,
 - 3. Benzene,
 - 4. Calcium Carbide,
 - 5. Carbon disulfide,
 - 6. Celluloid,
 - 7. Chlorine,
 - 8. Hydrochloric acid,
 - 9. Hydrocyanic acid,
 - 10. Magnesium,
 - 11. Nitric acid and oxides of nitrogen,
 - 12. Petroleum products (such as gasoline and fuel oil),

13. Phosphorus,
 14. Potassium,
 15. Sodium,
 16. Sulphur and sulphur products,
 17. Pesticides (including insecticides, fungicides and rodenticides),
 18. Radioactive substances, insofar as such substances are not otherwise regulated,
 19. Such other substances regulated as "hazardous" under Federal or State regulations that would represent a threat to water quality.
2. Standards. Before any action affecting the 100-Year Floodplain occurs, the applicant shall prove to the written satisfaction of the Borough Engineer that:
- a. All applicable Borough, State and Federal requirements have been met and applicable permits have been granted,
 - b. Compensating improvements will be made to prevent any net increase in flood levels or adverse affects on flood velocities and drainage patterns,
 - c. Prior notice has been given of such proposal to: any municipalities that will be affected by a change in a alteration or relocation of a waterway has been given prior notice of such proposal, the PA. Department of Community Affairs and the U.S. Federal Emergency Management Agency, and
 - d. No development, filling in or grading will occur within the 100-year Floodplain that would cause an increase in the 100-year flood elevations.
3. Permitted Uses. Permitted uses in the 100-year floodplain (except areas that an applicant proves are not within the 100-year floodway) shall be limited to the following uses, provided that such uses are permitted by the underlying zoning district and will meet the other requirements of this Section:
- a. Nature preserves,
 - b. Plant nurseries,
 - c. Outdoor recreation uses,
 - d. Golf courses,
 - e. Parking areas,
 - f. Yard/ setback areas,
 - g. Parking areas (see "setbacks from Schuylkill and Ohio Rivers" in Section 504),
 - h. Crop farming,
 - i. Below ground and elevated utilities, and
 - j. Bridges, culverts and similar structures that the applicant proves to the written satisfaction of the Borough Engineer will:
 - i) Pass over the 100-Year Floodplain, or
 - ii) Carry stormwater within a Borough-approved stormwater improvement, or
 - iii) Float over floodwater, or

- iv) Allow 100-Year floodwater to easily pass through the structure without causing debris to block the flood channel.
4. Flood Fringe Areas. To avoid the prohibition of construction of structures within the 100-Year Floodplain, an applicant may prove to the satisfaction of the Zoning Hearing Board as a special exception, based upon review by the Borough Engineer, that a particular portion of the 100-Year Floodplain is within the 100-year flood fringe and not within the 100-Year Floodway. Such proof shall be based upon a professional hydrological study. Such study shall:
- a. Only be conducted by a professional engineer, licensed surveyor, registered landscape architect or hydrologist,
 - b. Follow current accepted hydraulic technical methods and Federal standards,
 - c. Provide sufficient analysis and computation information for the Borough Engineer to determine that the study is accurate.
5. Flood Fringe. If a floodplain study provided for within the standards of part "4." above is accepted by the Zoning Hearing Board, then such study shall be used to define the areas within the 100-year floodway and 100-year flood fringe within the studied areas. Structures and additions to structures may then be permitted within the areas determined to be within the 100-year flood fringe. In such case, within those areas of the 100-year floodplain found not to be within the 100-year floodway, the following provisions may apply:
- a. All new buildings and all existing buildings that are "substantially improved", as specified in Section "6" below, shall be: 1) anchored to resist flotation, collapse and lateral movement, and 2) fully floodproofed in compliance with this Zoning Ordinance, any Borough Building Codes and applicable Federal and State standards. This shall include but not be limited to the following:
 - 1. The elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be a minimum of 1.5 feet above the 100 year flood elevation. Enclosed areas below this lowest floor are prohibited.
 - 2. The elevation of the lowest floor (including the basement) of any new or substantially improved non-residential structure shall a) be a minimum of 1.5 feet above the 100 year flood elevation, or b) be floodproofed up to that height.
 - a. Enclosed areas below this lowest floor (including the basement) are prohibited.
 - b. Such required floodproofing shall follow the standards for completely or essentially dry structures stated in the Army Corps of Engineers' "Flood Proofing Regulations"

publication or some equivalent standard acceptable to the Borough Engineer. The applicant shall ensure that plans for such floodproofing shall be certified by a professional engineer or architect certifying that a building has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associated with a 100-year flood and that utility extensions have been designed to take the 100-year flood levels fully into account.

6. Existing Structures in Floodplains.

- a. Structures that existed prior to the adoption of this Section within the 100-year floodplain shall not be expanded or enlarged, except:
 1. If a professional floodplain study proves that the area is not within the 100-year floodway and the expansion meets the requirements for the 100-year flood fringe, or
 2. For additions of unenclosed features such as porches or any upper story additions that are not "substantial improvements" provided that such additions do not decrease the water carrying capacity of the 100-year floodplain, or
 3. If any negative effects on 100-year flood heights are fully offset by accompanying improvements.
- b. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100-year floodplain that is equal in value to less than 50 percent of the structure's market value ** shall to the greatest extent possible be elevated and/or flood proofed.
- c. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100-year floodplain that is equal in value to 50 percent or more of the structure's market value** (which shall be considered to be "substantially improved") shall only occur in full compliance with the provisions of this Article.

** Based upon the value of the structure before the improvement or repair started and before any flood damage that may be being repaired.
- d. Historic and Safety Exception. Parts "b" and "c" above shall not apply to improvements that are necessary to comply with a Borough, County or State health, safety or sanitary regulation or to historically rehabilitate and restore a "historic structure" (see definition above).

- e. The applicant shall provide written information to the Zoning Officer on the lowest floor elevation of each structure approved within the 100-year floodplain.
 - f. Basement shall be defined for the purposes of this Section as any area of a building having its floor below ground level on all sides.
7. Floodplain Variances.
- a. A variance shall not be granted to the provisions of this Article if the variance would result in unacceptable increased flood heights or to increased threats to the public safety. Any variances to this Article shall be annually reported to the Federal Insurance Administration.
 - b. If a variance is granted to allow construction of a structure below the 100-year floodplain elevation, the applicant should be notified in writing by the Zoning Officer that such construction will likely result in increased premium rates for flood insurance, and that the applicant may be creating a risk to life and property, and that the applicant is completing such work at his/her own risk.
 - c. The variance shall be the minimum necessary to afford relief.
 - d. A variance shall not be granted for any development within the 100-year floodway that would cause an increase in the 100-year flood elevations.

ARTICLE VI

OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

A. Overall Requirements.

1. Number of Spaces. In all Districts, except the C-1 District, each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under Section 601.B.
4. Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

B. REDUCTION OF PARKING REQUIREMENTS AS A CONDITIONAL USE.

1. Purposes. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.
2. The Borough Council may permit a reduction, through the Conditional Use process of Section 117, of the number of parking spaces required to be developed if the Applicant proves to the satisfaction of the Borough Council that less parking spaces are needed.
 - a. Proof. To prove that less parking spaces are needed, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
 - b. Shared Parking. Under this Section. an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.

- c. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Borough Council may require as a condition of the approval that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.
 - i) Such reservation shall be provided in a legal form acceptable to the Borough Solicitor.
 - ii) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished.
 - iii) Such additional parking shall be required to be provided within one year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's on-site review on least three different days.

TABLE 6.1
OFF-STREET PARKING REQUIREMENTS (See definition of employee in Article II)

<u>Type of Use</u>	<u>No. of Parking Spaces Required</u>
Offices, Retail Business and Customer Service Establishments	1 for every 300 sq. ft. of total floor area
Restaurants, Tavern and Night Clubs	1 for every 2.5 seats
Medical and Dental Clinics	5 for every doctor or dentist
Hotels and Motels	4 for every 3 sleeping rooms
Churches, Theaters, Auditoriums and Places of Assembly	1 for every 3.5 seats
Elementary Schools	1 for every 15 classroom seats
Secondary Schools	1 for each 2 teachers and employees plus 1 for each 10 students
Colleges, Universities and Commercial Schools	1 for every 5 classroom seats
Social Halls, Clubs and Lodges	1 for every 200 sq. ft. of total floor area
Bowling Alleys	5 for every 1 alley
Hospitals	1 for every 2 beds
Single- and Two-Family Dwellings	2 for every dwelling unit
Multi-Family Dwellings	4 for every 3 dwelling units
Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors plus 1 per employee
Rooming Houses and Dormitories	1- ½ for each occupant
Manufacturing Plants	1 for every 3 employees (a,b)
Wholesale Establishments and Warehouses	1 for every 2 employees (a)
Nursing and Convalescent Homes	1 for every 4 beds
<u>Type of Use</u>	<u>No. of Parking Spaces Required</u>

Beauty Shop	2 for each operator
Barber Shop	2 for each barber
Kennel (Min. of 4)	1 per employee plus one for every 15 animals of capacity
Home Occupation	2 spaces for any business expected to routinely have visitors, plus the spaces for the dwelling unit plus one off-street parking space for each non-resident employee.
Group Home	Two per group home
Manufactured/Mobile Home Park	2 per dwelling unit
Nursing Home	1 per 6 beds plus 1 per 1.2 employee
Personal Care Home	1 per 4 beds plus 1 per 1.2 per employee
Day care center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up plus 1 per 1.2 per employee
Utility	1 per vehicle routinely needed to service.
Trade School	1 per 1.5 students plus 1 per employee
Library, community center, cultural center or museum	1 per 4 seats or 1 per 250 sq. ft. of floor area accessible to patrons and users if seats are not typically provided plus 1 per employee
Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times plus 1 per non-resident employee
Swimming pool, non-household	1 per 40 sq. ft. of water surface, other than wading pool plus 1 per employee
<u>Type of Use</u>	<u>No. of Parking Spaces Required</u>

Auto Service Station or Repair Garage	5 per repair or service bay and 0.25 per fuel nozzle with such spaces separated from accessways to pumps. 1 per employee; plus any parking needed for a convenience store under "retail sales".
Auto, boat, recreational vehicle or manufactured homes sales	1 per 15 vehicles, boats, Rvs or homes displayed plus 1 per employee
Adult Use including adult bookstore, adult live entertainment use or massage parlor	1 per 30 sq. ft. of total floor area (minimum of 10) plus 1 per employee
Bed and Breakfast	see section 402
Car Wash	2 per washing lane or stall, which may be located in drying or vacuuming areas. 1.2 per employee
Financial Institution	1 per 200 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine plus 1 per employee
Golf Driving Range	1 per tee plus 1 per 1.2 employee
Miniature Golf	2 per hole plus 1 per 1.2 employee
Golf Course	3 per hole plus spaces required for any membership club or restaurant plus 1.2 per employee
Ice Skating/Roller Skating	1 per 200 sq. ft. of floor area accessible to users plus 1 per 1.2 employee
Laundromat	1 per 3 washing machines plus 1 per on-site employee
Indoor Recreation (other than bowling alley), membership club or exercise club	1 per 200 sq. ft. of floor area other than racquet ball courts accessible to customers/members, plus parking required by any additional uses, such as restaurant) plus 2 spaces per racquetball court plus 1 per employee

Type of Use

No. of Parking Spaces Required

Outdoor Recreation (other than uses specifically listed in this table)	. on	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel) plus 1 per 1.2 employee
Self-Storage Development		1 per 15 storage units plus 1 per employee
Theater or Auditorium		1 per 4 seats plus 1 per 1.2 employee

- (a) Plus one additional space for each 1,000 sq. ft. of floor area.
- (b) In no case shall the total parking area be less than 25 percent of the floor area.

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Zoning Ordinance shall not in the future be reduced in number below the number required by this Zoning Ordinance.
- C. Change in Use or Expansion. A structure or use in existence at the effective date of this Zoning Ordinance that expands or significantly changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
 - 1. If the use expands in total building floor area by a aggregate total maximum of five percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Zoning Ordinance, then no additional parking is required, or
 - 2. If the change in use would increase the number of required parking spaces by less than 20 spaces beyond what was required by the previous use, then an applicant may choose to only add the additional number of spaces required by the new use compared to the previous use.
- D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

- E. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a permanent method of providing the spaces is available using area of a lot within 250 feet of the entrance of the principal use being served. Off-street parking and loading lots may be developed on any required side, front, or rear yard, but not closer than 15 feet to any street pavement.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

A. General Requirements.

1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces of a single-family detached dwelling.
3. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.
4. Defined Traffic Ways. All 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 as much as is reasonable from major pedestrian routes within the lot.
5. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Zoning Ordinance shall be separated from the street by a grass or landscaped strip of land.

B. Size and Marking of Parking Spaces. Each parking space shall be a rectangle with a minimum width of ten feet and a minimum length of 20 feet, except:

1. The minimum length shall be 22 feet for parallel parking.
2. All spaces shall be marked to indicate their location, except those of a single-family or two-family dwelling.

C. Aisles

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

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for: a) areas of parking that are clearly primarily for employees, or b) parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.
3. Maximum length of parking aisle- 250 feet.

D. Access Drives and Driveways.

1. Width of Driveway/Accessway at Entrance onto Public Street (at the edge of the cartway)*

	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

*Unless a different standard is required by PennDOT for an entrance to a State road.

2. Maximum Grades of Driveway. See the Subdivision and Land Development Ordinance.
3. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
4. Separation Between Driveways. At least 80 feet shall be provided between the centerlines of any two accessways or driveways along one street within one lot.
5. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.
6. Sight Distance for Driveways. See Section 803.

E. Paving, Grading and Drainage.

1. Parking and loading facilities and Including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways abutting dwellings shall be surfaced with asphalt or concrete or decorative paving blocks.

F. Lighting of Parking Areas. See Section 511 "Light and Glare Control."

G. Paved Area Setbacks. (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Uses Within the Paved Area Setback.
 - a. The paved area setback required by this section, together with any existing legal street right-of-way area that is not used as a cartway, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following:
 1. Paving, except for approved driveway/ access drive entrances and except any concrete sidewalks or asphalt bikepaths of eight feet wide or less,
 2. Fences, or
 3. Parking, storage or display of vehicles or items for sale or rent.
 - b. A paved area setback may include the following:
 1. Permitted freestanding signs,
 2. Storm water facilities that are primarily vegetated.
 3. Concrete sidewalks or asphalt bikepaths of eight feet wide or less, and
 4. Approved driveway crossings.
3. Width of Paved Area Parking Setbacks. Any commercial, industrial, institutional, townhouse or apartment use shall provide paved area setbacks as follows:

If a paved area abuts:	Minimum paved area setback (measured from the proposed edge of paving and gravel of the street after development)
------------------------	---

Arterial or collector street:	
- for lot with 2 acres or less of impervious coverage	10 feet
- for lot with more than 2 acres of impervious coverage	15 feet
Local street:	5 feet

4. Buffer Areas Between Uses. See Section 803.

H. Paved Area Landscaping (Parking Lot Trees).

1. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.
2. Any lot that would include more than five parking spaces shall be required to provide landscaped areas within the paved area.
3. One deciduous tree shall be required for every 3,000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this Zoning Ordinance or by the Subdivision and Land Development Ordinance.
4. Trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - American Red Maple	Quercus borealis - Red Oak
Acer saccharum - Sugar Maple	Quercus coccinea - Scarlet Oak
Ceitis occidentalis - Common Hackberry	Quercus macrocarpa - Bur Oak
Fagus sylvatica - European Beech	Quercus imbricaria - Shingle Oak
Fraxinus americans - White Ash	Quercus montana - Chestnut Oak
Fraxinus Pennsylvania - Green Ash	Quercus veiutina - Black Oak
Ginko biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Quercus phellos - Willow Oak
Gleditsia triacanthos - Thornless Locust	Sophora japonica - Chinese Scholar Tree
Liriodendron tulipifera - Tulip Poplar	Tilia americans - American Linden
Quercus alba - White Oak	Tilia cordata - Little Leaf European Linden
Quercus acutissima - Sawtooth Oak	Tilia euchlora - Crimean Linden
	Tilia petiolaris - Silver Linden
	Zelkova serrata - Zelkova

Note- This Zoning Ordinance only regulates the species of trees are used to meet requirements of the Borough. The species of trees that are not required by Borough ordinances are not regulated.

b. Minimum Size. The trunk diameter (measured at a height of one foot above the finished grade level) shall be a minimum of two inches or greater.

I. Handicapped Parking Spaces

1. Number of Spaces. Any lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

Total Number of Required Parking Spaces on the Lot	Required Minimum Number or Percent of Handicapped Parking Spaces
4 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 required spaces
1,001 or more	20 plus 1% of required number over 1,000

2. Location. 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. Each required handicapped parking space shall be ten by 20 feet. In addition, each space shall be adjacent to a five foot wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.
4. Handicapped parking spaces shall be located in areas of less than six percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.

604. OFF-STREET LOADING.

A. General Requirements.

1. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use.
2. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Commission, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

B. Design and Layout of Loading Facilities. Off-street loading facilities shall meet the following requirements:

1. Each off-street loading space shall be sufficient in size to accommodate the largest vehicle that can reasonably be expected to use such space but shall not be less than 300 square feet in area with a minimum clearance of fourteen feet.
2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.

3. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street right-of-ways.
- C. Fire Lanes. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Borough Fire Officials.

ARTICLE VII

SIGNS

701. APPLICABILITY

- A. Purposes. this Article is intended to: promote and maintain overall community beautification; establish reasonable time, place, and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure compatibility with the neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.
- B. Permit Required. A permit under this Zoning Ordinance shall be required for all signs except for: a) signs meeting the requirements of Section 703, and b) window signs that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Zoning Ordinance within the applicable District shall be allowed. Any sign that is moved to another location either on the same or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith.
- C. Changes on Signs. Lawfully existing signs may be painted, repaired or changed in message without a new permit under this Zoning Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increase non-conformity with this Zoning Ordinance.

702. NONCONFORMING SIGNS. Signs legally existing at the time of enactment of this Zoning Ordinance which do not conform to the requirements of the Zoning Ordinance shall be considered nonconforming signs. An existing lawful nonconforming sign may be replaced with a new nonconforming sign provided that the new sign is not more nonconforming in any way than the old sign.

703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article. Unless otherwise stated, each sign listed below shall have a maximum height of ten feet.

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements

<u>Charitable Event Sign.</u> Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	8	32	Shall be place a maximum of 30 days prior to event and removed a maximum of 7 days after event.
<u>Contractor's Sign.</u> Advertises a building trade person, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	12 each	20 each	Shall only be permitted while work is actively and clearly underway and a maximum of 10 days afterward. Signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign.</u> Sign provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, directions towards a temporary fair, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3 each, other than sign painted on pavement.	3 each, other than signs painted on pavement.	Directions signs within a residential development shall not be illuminated. Signs directing persons to a fair or similar special event shall not be posted earlier than 2 weeks before the event and be removed within 1 week afterwards.

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
<u>Flag, Commercial.</u> A banner or pennant made of fabric or similar material that is hung in such a way to flow in the wind and that include some type of commercial message.	2	20 each	20 each	In addition, flags of any nation or level of government or that only include colors and no commercial message are not regulated by this Zoning Ordinance.
<u>Garage Sale Sign.</u> Advertises an occasional garage sale, porch sale or auction.	4 per event	4 per sign	4 per sign	Shall be placed a maximum of 3 days before permitted garage sale or auction begins, and be removed maximum of 24 hours after event ends.
<u>Home Occupation Sign.</u> Advertises a permitted home occupation	2	1.5	4	Shall not be illuminated. May be painted on a mailbox.
<u>Identification Sign.</u> Only identifies the name and occupation of the resident and the name, street address and use of a lot, but that does not include advertising.	1	1.5, except 2 for a principal non-residential use.	6	

<u>Open House Sign.</u> Advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4 each	4 each	Shall be place maximum of 5 days before open house begins, and be removed maximum of 24 hours after open house ends. Sign shall not be posted more than 5 consecutive days.
--	-------------	--------	--------	---

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
<p><u>Political Sign.</u> Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</p> <p>Persons posting political signs shall deposit \$25 with the Borough Secretary. The return of the deposit shall be conditioned on the removal of all signs within 30 days after the election. This requirement shall apply to signs posted in front of a dwelling or business with permission of the owner of the property, in front of polling places on election day or for a Federal office.</p>	4	32 total	32 total	Shall be placed a maximum of 90 days prior to election, vote or referendum and removed a maximum of 10 days after the election, vote or referendum. Persons posting political signs shall maintain a written list of location of signs. Political signs shall not be placed on private property without the prior consent of the owner. If a political signs does not meet these requirements, then it shall be regulated as an "off-premises sign."
<p><u>Proposed Development Sign.</u> Announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Borough, and which would involve a minimum of 10 dwelling units or a nonresidential principal building.</p>	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Borough, and shall be removed when any of the following occur: 1) if plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold, or 3) for a nonresidential development, when a permanent sign is placed.
<p><u>Public Services Sign.</u> Advertises the availability of restrooms, telephone or other similar public convenience.</p>	No max.	2 each	2 each	
<p><u>Real Estate Sign.</u> Advertises the availability of property on which the sign is located for sale, rent, or lease.</p>	1 per street the lot abuts.	3 each	12 each	Shall only be placed on the property while it is actively for sale, lease or rent and shall be removed a maximum of 7 days after settlement or start of lease.

Type and Definition of Signs not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign Total Sign Area* on Residential Lots of Less than One Acre	Max. Total Sign Area* on Lots Other than Residential Lots of Less than One Acre	Other Requirements
<u>Service Organization/Place of Worship Sign.</u> An off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and an arrow direction persons to the location.	2	2 each	2 each	Maximum of 2 signs per organization or place of worship
<u>Trespassing Sign.</u> Indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting or fishing on the lot.	No max.	4 each	4 each	

* Maximum sign areas are for each two sides of each permitted sign, measured in square feet.

In addition, the following signs are not regulated by this Zoning Ordinance.

- A. **Historic Sign.** Memorializes an important historic place, event or person and that is specifically authorized by the Borough, County, State or Federal agency.
- B. **Holiday Decorations.** Commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.
- C. **Not Readable Sign.** Not readable from any public street or any exterior lot line.
- D. **Official Sign.** Erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough Ordinance or resolution, and which exists for public purposes.
- E. **Required Sign.** Only includes information required to be posted outdoors by a government agency or the Borough.
- F. **Right-of-Way Sign.** Posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

704. FREESTANDING, WALL AND WINDOW SIGNS.

A. The following are the signs permitted on a lot within the specified district and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

Zoning District or Type of Use	Max. Height of Free-Standing Signs**	Max. Sign Area of Wall Signs (Permitted on a max. of two building faces)	Max Sign Area of Window Signs (Max of 1 side per sign)	Max. Sign Area (each of 2 sides) and Number of Free-Standing Signs
In a Residential District for permitted non-residential principal buildings.	8 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located, up to a max. of 32 sq. ft. on each face of each principal building.	Max. of 5% of the area of the building face on which the sign(s) are located.	Max of 1 sign per street which the use abuts upon, with a max. area of 32 sq. ft. per side. Such sign shall not be internally illuminated.
In a Residential District - other than uses listed above.	Not permitted, except for identification sign within Section 703.	Not permitted	Not permitted.	Not permitted. See permitted signs in Section 703.
In the Commercial Districts. ***	15 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which such signs are located. Plus temporary banners and signs posted a total max. of 30 days per year with a max total area of 32 sq. ft.	Max. of 1 sign structure per abutting public street, with a total max. sign area of all freestanding signs of 20 sq. ft. (on each of 2 sides) facing each abutting public street.
In the Industrial Districts. ***	20 feet	Max. total of 15% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which signs are located. plus temporary banners and signs posted a total maximum of 30 days per year with a maximum total area of 32 sq. ft.	Max. of 2 sign structures per abutting public street, with a total max. sign area of all freestanding signs of 32 sq. ft. (on each of 2 sides) facing each abutting public street.

** See definition of Sign Height in Section 711.

***Signs for non-business uses shall be regulated as if such use would be within a residential district.

B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the total height of the building to which they are attached.

C. Portable Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately

used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Zoning Ordinance.

2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis that allows it to be towed from one location to another or that can be transported on a flatbed truck and that is not permanently attached to a building or the ground.
3. A Portable Sign, including any such sign that may have been displayed prior to the adoption of this Zoning Ordinance and which does not have a lawful permit as a permanent sign, shall only be permitted if it meets all of the following requirements:
 - a. Shall be permitted only on the lot of a permitted principal commercial use.
 - b. Shall have a maximum sign area of 40 square feet on each of a maximum of two sides.
 - c. Shall only include one sign per principal use or per lot, whichever is more restrictive.
 - d. Shall need a sign permit, which shall state the dates during which the sign may be displayed.
 - e. Shall only be displayed on a lot for one period per year, which shall not exceed 30 days during a calendar year. Failure to remove the sign after the 30 days shall constitute a zoning violation.
 - f. Shall not obstruct safe sight distance to vehicles within or off the lot. Shall not be placed within the existing street right-of-way.
 - g. Shall not include flashing or blinking lights.

705. ABANDONED OR OUTDATED SIGNS. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. LOCATION OF SIGNS. The following shall regulate the location of signs:

- A. Setback From Streets. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within or project over any existing or established future street right-of-way except when such signs are required in connection with the provision of municipal services.

The main supporting structure of all free standing business signs and freestanding signs permitted in residential or other districts shall not be located closer than five feet to any curbline, except for official traffic signs or other government signs.

Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than 36 inches from the wall to which it is attached, unless the sidewalk is more than nine feet wide; and in no event shall the

farthest point of projection be closer than six feet to the curblin where the sidewalk is wider than nine feet.

- B. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803 or safe sight distances for vehicles within a lot. Signs in a location that may reduce sight distance shall have a minimum clearance of three feet above the ground, except for structural posts.
- C. Off-Premises, No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.
- D. Setbacks from Lot Lines. A freestanding sign for a commercial or industrial business shall not be located within 10 feet of the lot line of a "residential lot line." A sign is not required to meet setback requirements for accessory structures.
- E. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
- F. Utility Poles. No sign shall be stapled or nailed to a utility pole, except by an authorized utility. See also Section 709.G.

707. ILLUMINATION OF SIGNS.

- A. See Section 511, "Light, Glare and Heat Control."
- B. Times of Illumination. It is strongly encouraged that signs within 200 feet of a dwelling or a residential district not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

708. VEHICLES FUNCTIONING AS SIGNS. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

709. PROHIBITED SIGNS. The following signs are prohibited in all zoning districts:

- A. Spinners or any moving object used to attract attention to a commercial use.
- B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
- C. Signs which emit smoke, visible vapors or particles, sound or odor.
- D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Zoning Ordinance.

- E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").
 - F. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.
 - G. Signs attached by tacks, staples or other metal fasteners to utility poles.
710. CONSTRUCTION OF SIGNS. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.
711. MEASUREMENT AND MAJOR TYPES OF SIGNS.
- A Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:
 1. Building Face. The vertical area of a particular side of a building, including the vertical area in front of any slanted roof.
 2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
 3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article.
 4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
 5. Off-Premise Sign. See Article II.
 6. Sign. See Article II.
 7. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than two feet from such wall.

8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

B. Measurement of Sign Area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure. with the total "sign area" being the total area of all signs on the structure.
2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes ail of the letters and symbols.
4. In computing the permitted sign area of a sign with two sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ).
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

- C. Flags and banners are permitted provided that any flag or banner having a commercial message shall be regulated the same as a sign.

712. OFF-PREMISE SIGNS (Including Billboards).

- A. Purposes. Off-premise signs are controlled by this Zoning Ordinance for the following purpose, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the Borough; avoid the creation of additional visual distractions to motorists, especially along the busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and

temporary signs and printed and electronic media; recognize that this Zoning Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than on-premise signs; carry out the purposes listed in Section 701.

- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. Commercial and Noncommercial. This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Zoning Ordinance.
- D. PennDOT Sign. Signs erected and maintained by the PennDOT are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.
- E. Based directly on the intent statements within this Zoning Ordinance, off-premise signs are only permitted if they meet the following requirements, except for "Signs Not Requiring a Permit" under Section 703.
 - 1. District. An off-premise sign is only permitted in the Commercial and Industrial Districts, and shall require conditional use approval.
 - 2. Location. An off-premise sign is only permitted within a maximum of 200 feet of existing right-of-way of an arterial street and a minimum of ten feet from any non-residential lot line. Any off-premise sign shall be setback a minimum of 20 feet from all existing and future street rights-of-way. No off-premise sign shall be located within 200 feet of an existing "residential lot line".
 - 3. Maximum Sign Area. 200 square feet.
 - 4. Spacing. Any off-premise sign shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premise sign.
 - 5. Maximum Height. 80 feet. See definition in Section 711.
 - 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign. Off-premise signs shall have a maximum of two sign faces.
 - 7. Lighting and Glare. No off-premise sign shall be illuminated.

ARTICLE VIII

GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS
- A. Frontage Required onto Improved Street.
1. Every principal building shall be built on a lot with permanent access on a public street or a private street that is: a) improved to meet Borough standards including a street right-of-way, or b) for which such improvements have been insured by the posting of a performance guarantee pursuant to the Borough Subdivision and Land Development Ordinance. In the case of townhouses, this requirement may be met by access onto a parking court which has access onto such street.
 2. If a pre-existing lawful lot only has access onto an existing private street that does not meet Borough standards and the improvement of that street is reasonably beyond the control of the applicant, or the lot only has access via a legal easement, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet the above requirement of subsection "1".
- B. Building Facades
1. The building facade which fronts on a public street shall be considered a front building facade and shall be designed and constructed with an architectural treatment consistent with the street.
 2. For buildings on corner lots, one of the facades of the building which front on a public street shall be designated a front building facade.
- C. Multiple Uses in a Building. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Zoning Ordinance are satisfied.
- D. Multiple Buildings on a Lot.
1. More than one building housing one permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Zoning Ordinance shall be met for each building as though it were on an individual lot. However, if two or more: approved townhouse buildings, apartment buildings or buildings in a Commercial or Industrial district are placed on one lot those buildings shall only be required to meet the yard requirements around the perimeter of the lot and shall only be required to meet the specified lot area requirements.

2. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.
- E. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of habitable, indoor, heated floor area.
802. HEIGHT EXCEPTIONS. The maximum structure height specified for each district shall not apply to: communications towers, amateur radio antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. In addition, a pitched roof may extend beyond the maximum building height within an area equal to a maximum of ten percent of the building footprint to allow for architectural features, provided that such space is not intended to be occupied.
803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.
- A. In General.
1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Zoning Ordinance. This includes, but is not limited to, setback areas, non-impervious areas and off-street parking areas.
 2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.
- B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.
1. Nonconforming Lots. See Article IX.
 2. Corner Lots. A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where otherwise provided by this Ordinance or the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street.
 3. Projections Into Required Yards.
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than four feet.

- b. Front or rear porches or decks and accompanying steps, whether covered or uncovered, that are not enclosed and do not have walls of mostly solid material, glass or plexiglass and that abut the principal building may project up to eight feet into the required front yard setback and up to 15 feet into a required rear yard setback.
4. Septic Systems. Nothing in this Zoning Ordinance shall prevent the Municipal Sewage Enforcement Officer from requiring a minimum lot area larger than what is stated in this Zoning Ordinance to carry out State and Borough sewage regulations.
5. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this Zoning Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Zoning Ordinance.
6. Front Yard Setback Exception. When an unimproved lot is situated between two lots with existing principal buildings that each have front yard setbacks less than the setback required in that District, then the front yard setback may be reduced to a depth equal to the average of the two adjacent lots, provided that in no case shall a front yard be reduced by more than 50 percent of the required front yard for that District.

C. Sight Distance at Intersections.

1. Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 30 inches and ten feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than one foot in width or utility posts or the trunks of trees).
3. This sight distance triangle shall be shown on development plans submitted to the Borough and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
4. The clear sight triangle shall be measured a distance of 75 feet along the centerline of each street, measured from the intersection of the centerlines. However, the length shall be 150 feet along the centerline of the arterial street. The two resulting lines shall then be connected by a third longer leg of the triangle.

D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations:

1. Buffer Yard Width, When Required. Buffer yards with evergreen screening shall be required in the following situations, with whichever is most restrictive applying.

Buffer Yard Required to be Provided by the Following:	When Such Use is Abutting the Following:	Minimum Width of Buffer Yard (in feet):
Any newly developed or expanded industrial use or industrial storage or industrial loading area.	Within 250 feet of an existing dwelling	10
Any newly developed or expanded industrial outdoor storage area.	An arterial or collector street.	10
Any use required to provide a buffer yard under another section of this Zoning Ordinance.		10, unless stated otherwise

2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except at points of approved approximately perpendicular crossings for ingress or egress.
- b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than eight inches.

- c. Preservation of existing vegetation or slopes. If an applicant proves to the satisfaction of the Zoning Officer that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or steep slopes will be preserved and serve the same buffer purposes as plant screening that would otherwise be required, then such preserved existing buffer shall be permitted to be used in place of planting new plants. In such case, the width of the buffer yard required by Section 803.D.1 shall still apply. If this existing buffer requirement is removed, the applicant shall be required to plant a buffer yard that will meet the planting requirements of this section.
- d. Fence. Ornamental or wooden fences may be located anywhere within a buffer yard. All other types of fences (such as chain link) within a buffer yard shall be placed on the inside of any required plant screening.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.
- b. Each planting screen shall meet the following requirements:
 - i) Plant materials needed to form the visual screen shall have a minimum height when planted of four feet.
 - ii) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three years a solid year-round visual screen at least 6 feet in height.
 - iii) The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that die or are removed shall be replaced within six months.
 - iv) The plant screen shall be placed so that at maturity the plants will be at least five feet from any cartway and will not grow over an exterior lot line.
 - v) The plant visual screen shall be interrupted only at: a) approved points of vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with the sight distance requirements of Section 803.C., and c) locations needed to meet other specific State and Borough requirements.
 - vi) Evergreen trees likely to grow substantially in diameter should be planted in two or more rows or off-sets if needed to allow space for future growth.

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Zoning Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - i) The location and arrangement of each buffer yard,
 - ii) The placement, general selection of species and initial size of all plant materials, and
 - iii) The placement, size, materials and type of all fences to be placed in such buffer yard.
 - b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Zoning Ordinance.
6. Species of Plants in Visual Screens. Trees and shrubs needed to form a required visual screen shall be of the following or closely related species, unless the applicant proves to satisfaction of the Planning Commission, Borough Council or Zoning Officer that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the Winter. If more than 25 plants are needed to form a visual screen, then a maximum of 75 percent of such plants shall be of one species.

Buxus - all varieties of Boxwood
 Caragana arborescens - Siberian Pea Shrub
 Cephalanthus Occidentalis - Button Bush
 Chaenomeles Japonica - Flowering Quince
 Cornus - all varieties of Dogwood
 Cotoneaster divaricata - Spreading or Upright Cotoneaster
 Crataegus crusgafli - Cockspur Thom
 Crataegua phanenopyum - Washington Hawthorn
 Elaeagnus angustifolia - Russian Olive
 Eucalyptus - all varieties of Eucalyptus
 Euonymus - all varieties of Euonymus
 Forsythia spectabilis - Showy Forsythia
 Hamamelis - all varieties of Witch Hazel
 Hydrangea arbrescens - Hills of Snow Hyrangea
 Ilex - all varieties of Holly
 Juniperus - all varieties of Junipers
 Kolkwitzia amabilis - Beauty Bush
 Laurus mobilis - Sweet-Bay
 Ligustrum - all varieties of Privet
 Lonicera - all varieties of Honeysuckle
 Magnolia stellata - Star Magnolia
 Picea - all varieties of Spruces
 Pinus - all varieties of Pines
 Photinia - all varieties of Photinia

Pseudotsuga - all varieties of Firs
Pyracantha laiandei - Laland Firethorn
Rhamnus davurica - Dahurian Buckthorn
Rhamnus frangula - Glossy or Alter Buckthorn
Spirea - all varieties of Spirea
Syringa - all varieties of Lilac
Taxus - all varieties of Yews (avoid near livestock)
Thuja occidentalis - American Arborvitae
Thuja orientalis - Oriental Arborvitae
Tsuga - all varieties of Hemlocks
Viburnum - all varieties of Viburnum

804. LANDSCAPING.

- A. Groundcover. Any part of a commercial, industrial, institutional or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.
- B. See Section 603 regarding Paved Area Landscaping and Section 803 regarding Buffer Yards.

805. TEMPORARY USES

- A A temporary permit may be issued by the Zoning Officer for any of the following:
 - 1. Any temporary use that meets the requirements of this Zoning Ordinance.
 - 2. Customary, routine and accessory short-term special events, provided that
 - a. Only a well-established nonprofit organization or a lawful place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted, and
 - b. The Zoning Officer shall establish a reasonable limit on the duration of the use.
 - 3. Temporary construction-related trailers, structures and uses as provided for in Section 306.E. or
 - 4. The temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of 14 days in any four month period for clearly routine customarily accessory uses such as the following: a wedding in the rear yard of a dwelling, a festival by a place of worship or a special sale within the lot of a lawful commercial use.

- B Removal. Prior to the issuance of a permit for a temporary use or structure, the Zoning Officer may require an applicant to present a statement from the owner of record of the land recognizing the application and accepting responsibility to ensure that the use or structure is removed once the permit expires. Any temporary structure or use shall be removed completely upon expiration of the permit without cost to the Borough. If the structure or use is not removed in a timely fashion after proper notification, the Borough may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

806. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REQUIREMENTS APPLYING TO NON-RESIDENTIAL BUILDINGS.

Any proposed development, construction, erection or placement of one or more new principal non-residential building(s), other than solely for an agricultural use, shall be required to submit a plan meeting the requirements for a preliminary plan and to meet all of the design standards and improvement specifications stated in the Borough Subdivision and Land Development Ordinance, except for submission requirements specifically waived in advance by the Borough Engineer or Zoning Officer as being inapplicable to the proposal.

807. DRIVEWAY COMPLETION

Any driveway intended to provide access from a new principal building to a public street shall be completed and stabilized prior to issuance of a building permit for such principal building. It is the intent of the Borough to reinspect each driveway approximately two years after issuance of a permit to ensure that the driveway was constructed according to approved plans.

ARTICLE IX

NONCONFORMITIES

901. PROOF AND REGISTRATION OF NONCONFORMITIES.

It shall be the responsibility, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

902. CONTINUATION OF NONCONFORMITIES.

A lawful nonconforming use, structure or lot as defined by this Zoning Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

- A. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

903. EXPANSION, CONSTRUCTION UPON OR CHANGE IN USE OF NONCONFORMITIES.

- A. Nonconforming Structure.

1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - a. That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and
 - b. That any expanded area will comply with the applicable setbacks in that District and other requirements of this Zoning Ordinance.
2. If a nonconforming structure includes a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.

- B. Nonconforming Lots. For the purposes of this Zoning Ordinance, a lot shall only be considered to be a "nonconforming lot" if it has less lot area than is required by the applicable District requirements. A lot shall not be considered nonconforming because of insufficient lot width or a similar dimensional requirement.

1. New permitted structures for a single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a

nonconforming lot of record as a permitted by-right use if all of the following requirements are met:

- a. The lot area is at least 20 percent of the minimum lot area.
 - b. The lot is a lot of record that lawfully existed prior to the adoption of this Zoning Ordinance or an applicable subsequent amendment.
 - c. Minimum setbacks and other requirements of this Zoning Ordinance are complied with for any new construction or expanded area.
 - d. If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drainfield location.
2. Merger of Lots. Contiguous parcels, tracts or lots under common ownership that are nonconforming because of lot area and that have a lot area of less than 10,000 square feet each shall be combined to form lots that would be conforming or less nonconforming. When lots, parcels or tracts are merged to result in a single lot, the individual pre-existing parcels shall not be sold separately.
- a. In any case, if two or more contiguous nonconforming parcels, lots or tracts under single ownership shall automatically be considered to be merged from the effective date of this Zoning Ordinance if land from one of the parcels, lots or tracts is needed to meet a lot area or setback requirement of a use on the abutting lot.
3. If a proposed development on a nonconforming lot does not meet the requirements of the above subsections 1. and 2., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA. Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the established character of an existing residential neighborhood than the proposed use.
- C. Expansion of a Nonconforming Non-Residential Use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
1. An expansion of more than ten percent in total building floor area shall require approval by the Zoning Hearing Board as a special exception. The same standards as listed in Section 117 for a conditional use shall apply.
 2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 3. The 1) total building floor area used by a nonconforming use, or the 2) total area covered by impervious surfaces of a nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond each such measurement that existed in such use at the time such use became nonconforming.

This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

4. Any expansion of a nonconforming use shall meet the required setbacks, lot area, maximum height, building coverage and impervious coverage requirements of this Zoning Ordinance unless the Zoning Hearing Board grants a variance.

- D. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by-right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created, and d) a nonconformity is not made more severe (including the building area within the required setback area).

904. DAMAGED OR DESTROYED NONCONFORMITIES.

- A. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and c) no new nonconformity may be created or increased by any reconstruction. Property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- B. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.
- C. Nonconforming Use of Open Land. All nonconforming off-premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost or when discontinued for more than six months, shall not be continued, repaired or reconstructed.

905. ABANDONMENT OF A NONCONFORMITY.

- A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 1. As provided for in the "Damaged or Destroyed Non-conformities" provisions of this section, and
 2. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for at least 30 days, the use shall not be continued, repaired or reconstructed.

- B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

906. CHANGES FROM ONE NONCONFORMING USE TO ANOTHER USE.

- A. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

- B. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Borough Council. The Borough Council shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:

1. Traffic generation (especially truck traffic),
2. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
3. Amount and character of outdoor storage,
4. Hours of operation if the use would be close to dwellings and
5. Compatibility with the character of the surrounding area.