

**ADAMSTOWN BOROUGH
ZONING ORDINANCE**

ORDINANCE 352

Adopted August 4, 2009

**ADAMSTOWN BOROUGH
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BOROUGH OF ADAMSTOWN

Lancaster and Berks Counties, Pennsylvania

ORDINANCE NO. 352

THE ADAMSTOWN BOROUGH ZONING ORDINANCE

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Adamstown, Lancaster and Berks Counties, Pennsylvania, as follows:

ARTICLE I

TITLE, PURPOSE, AND INTERPRETATION

SECTION 101. TITLE

This Ordinance shall be known and may be cited as "The Adamstown Borough Zoning Ordinance."

SECTION 102. PURPOSE

These zoning regulations are enacted for the following purposes:

- A. To promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, and other public requirements.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use, and to preserve environmentally sensitive lands.
- C. To prevent overcrowding of land, blight, danger, and congestion in travel and transportation. This Zoning Ordinance is made in accordance with an overall program, the community development objectives as set forth in the Strategic Comprehensive Plan for the Cocalico Region, and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures, and with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Borough.

SECTION 103. COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Strategic Comprehensive Plan for the Cocalico Region and has been formulated to implement the purpose set forth in Section 102 above.

SECTION 104. INTERPRETATION

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be minimum requirements for the promotion of health, safety and general welfare of the Borough. Any use permitted subject to the regulations prescribed by the provisions of this

Zoning Ordinance shall conform with all regulations for the zoning district in which it is located and to all other pertinent regulations of the Ordinance. This Zoning Ordinance is not intended to interfere with, abrogate, annul, supersede, cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but if the Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land, than are contained in the deeds or agreements, the provisions of the Zoning Ordinance shall control.

Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

SECTION 105. SCOPE

From and after the effective date of this Ordinance, no structure or land shall hereafter be changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No part of a yard, other open space, or landscaping, or off-street parking or loading space required in connection with any building or structure for the purpose of complying with this Ordinance shall be included as part of a yard, open space, landscaping, or off-street parking or loading space similarly required for any other building or structure. Except as is otherwise specifically provided herein, no yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE 2

DEFINITION OF TERMS

SECTION 201. RULES OF INTERPRETATION.

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary (most recent edition) and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" as applied to any land or buildings shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a firm, company, corporation, unincorporated association, organization, trust and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The word "lot" includes the words "plot" and "parcel".
- H. The word "water body" includes lake, pond, dammed water and water-filled quarry.
- I. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- J. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.
- K. The term "shall" is always mandatory; the terms "may" and "should" are permissive.

- L. Any term defined in the MPC which is not otherwise defined in this Ordinance shall have the meaning set forth in the MPC.

SECTION 202. TERMS DEFINED. Other terms or words used herein shall be interpreted or defined as follows:

ACCESS DRIVE. See "Driveway".

ACCESSORY BUILDING. See "Building, Accessory".

ACCESSORY STRUCTURE. See "Structure, Accessory".

ACCESSORY USE. See "Use, Accessory".

ADULT BOOKSTORE. A use with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines, videotapes, coin- or token-operated films or videotapes, 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 LIVE ENTERTAINMENT FACILITY. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost 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 to three or more persons at one time in a room of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter .

ADULT USE. This term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

AGRICULTURE. The cultivation of the soil for food products or other marketable products, including animal husbandry.

ALLEY. A minor right-of-way privately or publicly owned primarily for service access to the back or side of properties.

ALTERATION. Any enlargement of the total floor area of a building, any enclosure by adding walls beneath a previously roofed area, any extension of a roof line to cover additional lot area not previously covered, or any construction which increases the cubic content of a building.

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

AMENDMENT. A change in use in a district that includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Borough Council.

ANIMAL, DOMESTIC. Any dog, cat, equine animal, bovine animal, sheep, goat, or porcine (swine) animal.

ANIMAL, EXOTIC. Members of the family Felidae except those species commonly called house cats and members of the family Canidae except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.

ANIMAL, WILD. All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:

BIG GAME. Elk, deer, bear and wild turkey.

FURBEARER. Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcat.

GAME ANIMALS. Elk, deer, bear, cottontail, snow shoe hare, red, gray and fox squirrels,

GAME BIRDS. Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

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

ANIMAL HUSBANDRY. The raising, breeding, keeping or care of farm animals, livestock or insects for meat by-products or other utility, which is intended as a business or gainful occupation.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements

carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. The height of an antenna shall be the total maximum to which it is capable of being raised and shall be measured from the highest point of the finished grade adjacent to the structure if ground-mounted or adjacent to the principal structure if roof-mounted. (SEE COMMUNICATIONS ANTENNA)

ANTIQUÉ BUSINESS. A business for purchase and sale at retail of antiques. Specifically excluded are flea markets, multiple antique dealer ventures and garage sales of a permanent or quasi-permanent nature.

APARTMENT. A dwelling unit for rent or lease, which is either accessory to a principal use or one of three or more dwelling units in an apartment building, and which provides separate, independent living, and sanitary facilities for one (1) family or individual, including provisions for cooking and sleeping. Where such a unit contains no specific bedroom area, it shall be deemed an efficiency apartment and regulated as all other apartment dwelling units.

APARTMENT, CONVERSION. An apartment created within a single family dwelling, or other existing structure, where said conversion is done without altering the exterior of the building except to provide improvements necessary to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

APARTMENT BUILDING. A building consisting of three (3) or more dwelling units.

AUDITORIUM. A building containing a stage and seating for meetings and/or performances.

AUTOMOBILE. A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

AUTOMOBILE SERVICE STATION. See Vehicle Service Station.

AUTOMOBILE BODY SHOP. See "Vehicle Body Shop".

AUTOMOBILE WASHING CENTER (CAR WASH). See "Vehicle Washing Center (Car Wash)".

BASEMENT. A story partly below the finished grade, but having at least one-half of its height (measured from the finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BED AND BREAKFAST INN. An owner-occupied single family detached dwelling where not more than four (4) bedrooms are rented to overnight guests on a daily basis for periods not exceeding one (1) week .

BERM. An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

BOARDING HOUSE. A residential building that contains the primary residence of the owner(s)/manager(s) and his family as well as long term housing for a maximum of 15 additional persons. No provisions for cooking shall be allowed in any rooming unit; however, congregate meals may be provided to residents where meals are served family style rather than by ordering individual portions from a menu.

BUFFER YARD. A yard space, adjacent to a property line or building, which contains landscaping and plantings designed to screen, separate and shield a potentially incompatible use from adjoining properties, streets and uses.

BUILDING. A structure that has a roof supported by columns, piers or walls, which is intended for the shelter, housing or enclosure of persons, animals or chattel or which is to house a use of a commercial or manufacturing activity.

BUILDING, ATTACHED. A building that has two (2) party walls in common.

BUILDING, DETACHED. A building that has no party walls.

BUILDING, SEMI-DETACHED. A building that has only one (1) party wall.

BUILDING, ACCESSORY. A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. An accessory building may not house a principal use nor may it stand alone on a lot as a principal building.

BUILDING, PRINCIPAL. A building in which the principal use of the lot is conducted.

BUILDING AREA. The total areas of outside dimensions on a horizontal plane at ground level of the principal buildings and all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending more than one (1) story and not projecting more than five (5) feet; and steps and balconies.

BUILDING HEIGHT. The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE (BUILDING SET-BACK LINE). An imaginary line located along and drawn parallel to a wall or other exterior supporting member of a structure or portion thereof, excluding self-supportive projecting architectural features that project five (5) feet or less. Minimum yard requirements are applied from the lot lines to said building lines.

BUILDING LINE (BUILDING SET-BACK LINE), REQUIRED. The line within a property (usually parallel to the right-of-way or property line), defining the required minimum distance between any wall or other exterior supporting member of a structure or portion thereof and the adjacent street right-of-way or property line.

REQUIRED FRONT BUILDING LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

REQUIRED SIDE BUILDING LINE. The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

REQUIRED REAR BUILDING LINE. The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

BUSINESS. Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

BUSINESS OFFICE BUILDING. A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

BUSINESS SERVICES. Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

CAMPGROUND. A parcel of land upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes and where acceptable sanitary facilities are provided for each campsite or for the campground as a whole. Camping units that are not occupied on a daily basis shall not be stored in areas reserved as campsites but may be stored in designated areas elsewhere in the campground. Flood plain areas shall not be utilized for sanitary facilities or camping unit storage.

CAMPING UNITS. Any tent, travel or camping trailer, truck camper, motor home, cabin, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. A dwelling unit

located on the campground and occupied by the owner or manager of the campground shall not be considered a camping unit.

CARPORT. A building open on two or more sides and used in conjunction with a dwelling for the storage of private motor vehicles. Any detached carport shall be subject to the same regulations as a detached garage. If the permanent roof of the carport is attached to the principal building, it shall be considered to be part of that building.

CAR WASH. See "Vehicle Washing Center".

CELLAR. A story partly below the finished grade having at least one-half of its height (measuring from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CEMETERY. Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CENTER LINE OF STREET OF ROAD. A line midway between and parallel to the two street or road property lines, or as otherwise defined by the Borough Council.

CERTIFICATE OF ZONING COMPLIANCE. A certificate issued by the Zoning Officer upon completion of construction of a new building or upon a change or conversion of a structure or use of a building. This document certifies that the applicant has complied with any and all requirements and regulations provided herein and all other applicable requirements. This certificate is also utilized for registration of nonconforming uses of land or nonconforming uses of land and structures in combination.

CHANGE OF USE. An alteration of a building or a change of use theretofore existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHURCH AND RELATED USES. A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day-care facilities.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center line.

CLINIC. An individual building or cluster of buildings (or a lot in single or common ownership) operated by one or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

CLUB, MEMBERSHIP. An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes. Membership clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Membership clubs shall not include adult-related facilities as defined herein.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

COMMERCIAL USE. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMUNICATIONS ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. The term "communications antenna" does not include a receiving facility for the sole use of an individual consumer and located on the property in which such individual consumer resides.

COMMUNICATIONS EQUIPMENT BUILDING. An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like . The term includes the structure and any support thereto.

COMPREHENSIVE PLAN. The Comprehensive Plan adopted by the Borough Council pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Borough, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

CONDOMINIUM. A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSTRUCTION. The building, reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing and fastening

of construction materials in a permanent position. Earth moving activities shall not be deemed construction.

CORNER LOT. See "Lot, Corner".

COVERAGE. See "Lot Coverage".

CUL-DE-SAC. A street with a single means of entry and exit. A cul-de-sac has two (2) parts, the stem and the turnaround.

DAY CARE CENTER. A facility in which care is provided for seven (7) or more children or adults at any one time, for profit or not for profit, where day care areas are not also being used as a family residence. A day care center, if situated on the premises of an operating community service facility, including but not limited to a public or private school, place of worship, community center or library, and associated with that activity, shall be considered accessory to the principal use of the property concerned. Day care services also may be provided as an accessory use to office, commercial or industrial uses provided that such services are for the sole use of current employees of said business or industry.

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

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

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings, manufactured homes, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DRIVE-IN SERVICE PLACE. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in a motor vehicle. Accessory services provided for customers which do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

DRIVEWAY. An open space of not less than the width required herein which provides vehicular access from a street or private road to the main building on a lot.

DWELLING, SINGLE FAMILY, ATTACHED. A building with one (1) dwelling unit from the ground to the roof, located on its own lot, and having and having two (2) side party

walls in common with other dwellings, except in the case of an end-of-row unit that only has one (1) sidewall that is a party or lot-line wall. (See "Town House".)

DWELLING, SINGLE FAMILY, DETACHED. A detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot; however, this shall not include single unit mobile homes that are defined separately.

DWELLING, SINGLE FAMILY SEMI-DETACHED. A building with one (1) dwelling unit from the ground to roof and only one (1) party wall in common with another dwelling unit (Commonly described as a duplex).

DWELLING, TWO FAMILY. A separate building on an individual lot with two (2) dwelling units from ground to roof (one unit over the other). Commonly described as a twin, these units are normally renter-occupied and are not designed for further subdivision.

DWELLING UNIT. One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

EASEMENT. The authorization by a property owner of a right-of-way granted, but not dedicated, for limited use of private land for a public, quasi-public or private purpose, within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the easement.

ENCROACHMENT. Any physical action which may jeopardize the health and longevity of a natural feature, or any structure or activity which in any manner changes the course, current or cross-section of any wetland, water course, or body of water.

ENGINEER, PROFESSIONAL. A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

ENGINEER, BOROUGH. The Borough Engineer or any consultant designated by the Borough Council to review a subdivision plan and perform the duties of engineer in behalf of the Borough.

FACADE. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY. Any number of persons living, cooking, and utilizing sanitary facilities together in a single housekeeping unit not including more than three (3) unrelated persons.

FARM. A parcel of land ten (10) acres or more devoted to or available for the cultivation of land or other agricultural uses.

FENCE. Any combination of man-made materials (usually consisting of posts, boards, wire or rails) creating an enclosure or barrier to prevent intrusion from outside or straying from within or to mark a boundary.

FLOOD PLAIN. See Article 6 of this Ordinance.

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE. See “Habitable Floor Area”.

GARAGE, PRIVATE. An accessory building used for the storage of motor vehicles which may include one (1) commercial vehicle, owned and operated by the owner or occupants of the premises, and for the storage of not more than three (3) private noncommercial vehicles owned and operated by the owner or occupants of the premises .

GARAGE, REPAIR. See “Vehicle Repair Garage”.

GARDEN APARTMENTS. Multi-family apartment buildings located on a plot of land under one (1) ownership. Garden apartments are two (2) stories high, with individual apartments on each story. Garden apartment buildings shall contain at least four (4), but not more than sixteen (16) dwelling units in a single structure, with units generally renter-occupied. The garden apartments share: (a) a common yard area which is the sum of the required lot areas of all dwelling units within the complex, (b) common off-street parking, (c) common outside apartment access for some or all units and (d) central utilities.

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

HABITABLE FLOOR AREA. The sum of the floor area of all heated, finished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages; porches, whether roofed unroofed or enclosed; roofed terraces; unfinished and unheated basements, attics, cellars or garages; etc.

HEALTH AND RECREATION CLUB. A business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEIGHT OF A COMMUNICATIONS TOWER. The vertical distance measured from the ground level to the highest point on an Communications Tower, including antennas mounted on the tower.

HISTORIC RESOURCE. A building, site, object or district that is determined to be of local, county, state or national significance.

HOME DAY CARE. The care for no more than six (6) nonresident children or adults during any one (1) calendar day from 6:00 a .m. until 7:00 p .m. located only in and operated as an accessory use in a dwelling in which the care giver resides and which does not employ more than one (1) person who does not reside in the dwelling.

HOME OCCUPATION. An occupation, profession, activity or use conducted within a residential dwelling by the resident-operator and not more than one (1) nonresident employee. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home occupation except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Since the use may be of such nature that may require regular visits by customers and/or deliveries, off-street parking space will be required in addition to the spaces required for the residential use.

HORTICULTURE. The growing of fruit, vegetables, flowers, ornamental plants, or trees for a profit.

HOSPITAL. A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium, sanatorium and preventorium.

HOTEL. A building containing a minimum of at least ten (10) sleeping rooms that are used as the more or less temporary abiding place of individuals who, for compensation, are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, banquet/conference rooms, shops, newsstands, and other accessory services which are established primarily for servicing hotel occupants and only incidentally to the public.

IMPERVIOUS COVERAGE. Any portion of a lot covered by impervious surfaces.

IMPERVIOUS SURFACE. Any surface that has been compacted or covered over with a building, structure or layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as graveled driveways and parking areas and most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures and paved areas. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

INN. See "Hotel".

JUNK. Any worn, cast-off, discarded, or stored material including, but not limited to, unlicensed vehicles, machinery, and equipment ready for destruction or which has been collected for salvage, or conversion to some use.

JUNK YARD. See “Salvage Yard”.

LANDSCAPING. Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

LAUNDROMAT. A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development.

LIVESTOCK. Any member of the avian, bovine, equine, porcine, ovine, and piscine species, including but not limited to poultry, fowl, cows, steers, horses, ponies, pigs, sheep, goats and fish.

LOADING / UNLOADING SPACE. An off-street space not less than twelve (12) feet wide by 55 feet long and having a minimum clear height of 15 feet, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

LODGING HOUSE (ROOMING HOUSE). See “Boarding House.”

LOT. A single tract or parcel of land, which may legally be described as such, held in single or joint ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory buildings, structures, and such open spaces as are arranged and permitted by this Ordinance. A “lot” may or may not coincide with a lot of record and includes one (1) or more adjacent pieces, parcels or plots of land of record held in single and separate ownership.

LOT, CORNER. A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines.

LOT, FLAG. A lot or parcel that has been approved with access provided to the bulk of the lot by means of a narrow corridor. Said lot has less frontage on a street than is normally required.

LOT, INTERIOR. A lot other than a corner lot, the side property lines of which do not abut a street.

LOT, THROUGH. A lot extending between and having frontage on two (2) streets.

LOT AREA. An area of land that is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot within a street right-of-way shall not be included in calculating the required lot area.

LOT COVERAGE. The percentage of the lot or property area covered by buildings or structures, excluding driveways, sidewalks, and other standard paved vehicular or pedestrian accessways.

LOT DEPTH. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT FRONTAGE. That portion of a lot extending along a street or road right-of-way line.

LOT LINE. Any line dividing one lot from another lot, street or parcel.

LOT LINE, FRONT. On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. Except in the case of a corner lot, the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE, SIDE. Any lot line that is not a front or rear lot line

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to its depth. The required lot width shall be measured at the required minimum front-yard setback line, except that pie-shaped lots at the turnaround of cul-de-sac streets shall have lot frontage equal to at least fifty (50) percent of the required lot width and shall achieve required lot width at a point equal to fifty (50) percent of the lot depth. For a flag lot, the lot width shall be measured at the flag.

MANUFACTURING. A process whereby substances, raw materials, and/or semi-finished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value.

MASSAGE PARLOR. An establishment that meets all the following criteria: (i) massages are conducted; (ii) the use does not meet the definition of Massage Therapy, Certified and the person conducting the massage is not licensed as a health care professional by the state; (iii) the massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor; (iv) the massages are conducted within private or semi-private rooms; and (v) 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.

MESSAGE THERAPY, CERTIFIED. A use involving the performance of massages by a person licensed by the State as a massage therapist or certified by a recognized national organization that requires substantial professional training.

MIXED USE. Occupancy of a building for more than one use.

MOBILEHOME. A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

MOBILEHOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MOBILE HOME SITE. An area within a mobile home park or mobile home subdivision designated to contain one (1) mobile home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a mobile home park, or sold to an occupant, as in a mobile home subdivision.

MOBILE HOME SUBDIVISION. An area designed exclusively for mobile homes and mobile dwelling units where lots are sold and not rented.

MOTEL. A building or group of building, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers. Units are provided with separate entrances and off-street parking facilities. The term "motel" includes buildings designed as tourist courts, tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MPC. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. Section 805, No. 247, as reenacted and amended and as may in the future be amended.

MUNICIPAL USE. Any use owned or operated by the Borough or an authority created by the Borough.

MUNICIPALITY. Adamstown Borough, Lancaster and Berks Counties, Pennsylvania.

NO-IMPACT HOME-BASED BUSINESS – A no-impact home-based business is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no

customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

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

NONCONFORMING SIGN. A lawful sign that does not conform to the regulations of the district in which it is located.

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

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

NON-RESIDENTIAL. Any use other than a dwelling. An institutional use, in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.

NURSERY, DAY CARE. See "Day Care."

NURSERY, HORTICULTURE. Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

NURSING OR CONVALESCENT HOME. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

OFFICE, PROFESSIONAL. An office building containing space for one (1) or more persons engaged in occupations or callings which require extensive learned and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance, or instruction is provided.

Occupations or vocations that are trades, crafts, or businesses and often involve the sale of a product shall not be considered professional offices.

OPEN SPACE. The unoccupied space open to the sky on the same lot with the building.

OPEN SPACE, COMMON. See "Common Open Space."

PaDEP. The Department of Environmental Protection of the Commonwealth of Pennsylvania.

PARKING LOT. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

PARKING SPACE. An off-street, open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal building or use. Each parking space shall be not less than nine (9) feet wide and not less than eighteen (18) feet long, exclusive of all drives, curbs and turning space.

PARTY WALL. A common, shared wall between two (2) separate structures, buildings, or dwelling units.

PENSION. A dwelling having one (1) or more permanent principal occupants designated by the owner, a portion of which also may be utilized as a boarding house in which people may, for a fee, stay temporarily in the same manner as would guests in a vacation condominium rental unit or tourist rooms, including dwellings located in the MU - Mixed Use District which permit the first floor of dwelling units to be used for retail or other commercial uses.

PERMANENT FOUNDATION. The term permanent foundation as it relates specifically to mobile homes shall include a "skirt" around the perimeter of the mobile home that shall be of masonry construction upon footers set below the frost line and oriented to the perimeter of the mobile home so as to provide a weather-tight joint on all four sides.

PERSONAL SERVICES. Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.

PLAN. See "Plat".

PLANNED UNIT RESIDENTIAL DEVELOPMENT. An area of land, controlled by a person, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one (1) residential district created under the provisions of this Ordinance.

PLANNING COMMISSION. The Adamstown Borough Planning Commission.

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

PREMISES. Any lot, parcel or tract of land and any building constructed thereon. The term "premises" shall also include the area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

PRINCIPAL BUILDING. See "Building, Principal".

PRIVATE. Not publicly owned, operated or controlled.

PUBLIC. Owned, operated or controlled by a government agency (Federal, State or local, including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

PUBLIC GROUNDS. includes the following:

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

RADIO/TELEVISION TRANSMITTER. Any structure used for the transmission or retransmission of a commercial radio or television broadcast signal.

RECREATION, ACTIVE. Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE. Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.

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

REGISTERED PROFESSIONAL. A person duly licensed as a professional engineer, surveyor, geologist or landscape architect by the Commonwealth of Pennsylvania.

REPAIR SERVICES. Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, electronics and computer repair shops, and shoe repair shops.

RESTAURANT, DRIVE-IN. A commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE-THROUGH. An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window, without the need for the customer to leave his vehicle.

RESTAURANT, FAST-FOOD. A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "takeout" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" service.

RESTAURANT, SIT-DOWN. A commercial establishment where a variety of foods and beverages are sold for consumption on the premises. Customers are normally seated at a table where they select food and beverage from individual menus, and they are served foods and beverages by a restaurant employee at the same table at which said items are ordered and consumed.

RETAIL BUSINESS. Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

RETAIL STORE/SALES. Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined herein.

RIGHT-OF-WAY. The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

ROOMING HOUSE. See "Boarding House".

ROOMING UNIT. Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

ROW HOUSE. See "Town House".

SALVAGE YARD (JUNK YARD). A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

SANITARIUM, SANATORIUM. A private hospital, whether or not such facility is operated for profit.

SCHOOL, PRIVATE. A school that may offer a wide range of educational or instructional activities that may, or may not, be operated as a gainful business by some person or organization other than the school district.

SCHOOL, ELEMENTARY. Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

SCHOOL, NURSERY. Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for two or more children under the age of elementary school.

SCHOOL, SECONDARY. Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

SCREENING. The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

SEASONAL SALES: A temporary retail use carried on for only a part of the year, such as the sale of Easter flowers, fireworks, Christmas trees, etc.

SEMI-PUBLIC. Open to the public but owned, operated or controlled by a private, non-profit or non-public agency.

SETBACK. The horizontal distance from a lot line to the part of the building nearest to such a lot line.

SHOPPING CENTER. A group of stores, two (2) or more in number, planned, designed and constructed to function as an integrated unit with off-street parking provided on the property as an integral part of the unit.

SIGN. The word "sign" includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device or similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a vehicle, building or other structure; (2) is used to announce, direct attention to, or advertise; and (3) is visible from outside a building. Specific sign types are defined as follows:

BANNER. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BILLBOARD. Any off-premises sign that exceeds twenty (20) square feet in sign area.

ELECTION SIGN. A temporary sign that directs attention to a candidate or candidates for public office, a political party, or a ballot issue.

ELECTRONIC SIGN. A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic signs include but are not limited to signs also known as Electronic Reader Boards, Electronic Message Center Signs, Tri-Panel Message Systems, and Commercial Electronic-Variable Message Signs (CEVMS).

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FREESTANDING SIGN. An independently supported sign that is not attached to any building or other structure.

IDENTIFICATION SIGN. Any sign indicating the name and address of an occupant of a building.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this ordinance.

OFF-PREMISES SIGN. A sign which directs attention to an object, product, service, place, activity, person, institution, organization or business located or offered elsewhere than upon the premises where the sign is located or to which it is affixed or which calls public attention to a candidate, cause or public issue. Off-premises signs shall not exceed twenty (20) square feet in sign area.

ON-PREMISES SIGN. A sign which directs attention to an object, product, service, place, activity, person, institution, organization or business located or offered on the premises upon which the sign is displayed or to which the sign is affixed.

PROJECTING SIGN. A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs that project more than twelve (12) inches shall be treated as projecting signs.

SUSPENDED SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. Any sign that is used temporarily and is not permanently mounted.

WALL SIGN. Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an

outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SIGN, ADVERTISING. See "Billboard".

SIGN AREA. The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing that is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

SIGN HEIGHT. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the normal elevation at the base of the sign is equal to the elevation of the grade of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

SITE PLAN. A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Borough Council, Planning Commission or Zoning Hearing Board in unusual or special cases.

SPECIFIED SEXUAL ACTIVITIES. One or more of the following: (i) human male genitals in a visible state of sexual stimulation; (ii) acts of human masturbation, sexual intercourse, oral sex or sodomy; or (iii) fondling or other erotic touching of human genitals.

STORY. A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story.

STREAM. A natural drainage way having defined bed and banks that supports aquatic life including, but not limited to, fish, reptiles and macroinvertebrates.

STREET. Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. The word "street" includes the entire right-of-way and is not limited to the cartway area.

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

STREET LINE. The line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five (25) feet from the centerline of the existing street.

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

STRUCTURE, PERMANENT. Any structure with a permanent foundation or footings which is not intended to be removed after a designated period of time.

STRUCTURE, TEMPORARY. Any structure without a permanent foundation or footings which is intended to be removed after expiration of a designated time period authorized for its installation.

STRUCTURE, ACCESSORY. A structure subordinate to and detached from the principal structure on the same lot and used for the purposes customarily incidental to the principal structure.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

TEMPORARY. Used or lasting for only a limited period of time; not permanent.

THEATER. A building or part of a building devoted to the showing of moving pictures or for dramatic, musical or live performances.

THEATER, OUTDOOR DRIVE-IN. An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or for dramatic, musical or live performances on a commercial basis to patrons seated in automobiles or on outdoor seats.

TIMBERING (TIMBER HARVESTING). The cutting down and removal of trees and logs to be converted to any forest product.

TOWNHOUSE. See “Dwelling, Single-Family, Attached”.

TRAVEL TRAILER. A vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

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

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

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

UTILITY. Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.

VEHICLE BODY SHOP. A building that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles, trucks and other vehicles used for conveyance.

VEHICLE REPAIR GARAGE. A structure, building or area of land or any portion thereof used primarily for the servicing and repair of automobiles, trucks and similar vehicles. A vehicle repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles including state inspection, lubrication, washing, or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include bodywork, straightening of body parts, painting, welding, and storage of certain vehicles. A repair garage is not an automobile body shop or retail automotive parts store.

VEHICLE SERVICE STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

VEHICLE WASHING CENTER (CAR WASH). A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide for the retail sale of minor, automotive accessories.

VEHICULAR DWELLING. A transient dwelling, containing less than four hundred (400) square feet of gross floor area, including automotive-drawn trailers or trailer coaches, which are designed primarily for vehicular mobility.

VIDEO ARCADE. An establishment that provides as a principal use, amusement devices and/or video games of skill or chance (e.g. pinball machines, video games, firing ranges, and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

WETLAND. 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, including swamps, marshes, bogs and similar areas.

WIND ENERGY CONVERSION SYSTEM. A device that converts wind energy to electrical or mechanical energy.

WIND ROTOR. A structure that contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

YARD. An open space, other than a court, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to the height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. An unoccupied space, open to the sky, between the front lot line (road right-of-way line) and the building line of the principal building closest to the front lot line.

YARD, REAR. An unoccupied space, open to the sky, between the rear lot line and the building line of the principal building that is closest to the rear lot line.

YARD, REQUIRED FRONT. An unoccupied space, open to the sky, provided between the front lot line (road right-of-way line) and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REQUIRED REAR. An unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REQUIRED SIDE. An unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

YARD, SIDE. An unoccupied space, open to the sky, between the side lot line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

ZONING DISTRICT. A portion of the Borough or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

ZONING HEARING BOARD. The Zoning Hearing Board of and for Adamstown Borough.

ZONING MAP. The Zoning Map of Adamstown Borough adopted hereunder, together with all amendments thereto subsequently adopted.

ZONING OFFICER. The agent(s) or official(s) designated by Adamstown Borough to enforce the Zoning Ordinance of the Borough.

ZONING PERMIT. A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance, which authorizes an applicant to proceed with said use, building or structure.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301. LIST OF DISTRICTS.

For the purpose of this Ordinance, the territory of Adamstown Borough is hereby divided into the following zoning districts:

Conservation (CONS) District
Woodland (W) District
Low Density Residential (R-1) District
Medium Density Residential (R-2) District
Main Street Residential (R-3) District
Mixed Use (MU) District
Highway Commercial (HC) District
Industrial (I) District
Institutional (INS) District

SECTION 302. OFFICIAL ZONING MAP.

The Borough is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the President of Borough Council, attested by the Secretary and bearing the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 3, Section 302 of Ordinance Number ____ of the Borough of Adamstown, Lancaster and Berks Counties, Pennsylvania, together with the date of the adoption of this Ordinance."

If, in accordance with the provisions of this Ordinance and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Borough Council with an entry on the Official Zoning Map as follows: "On (date), by official action of the Borough Council, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change) which entry shall be signed by the President of Borough Council and attested by the Borough Secretary. No amendment to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective unit after such change and entry has been made on said map."

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 13.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Borough Council shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough.

A. Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of change and additions, the Borough Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the President of Borough Council, attested by the Borough Secretary and bearing the seal of the Borough under the following words: “ This is to certify that this Official Zoning Map, adopted _____ as part of Ordinance No. _____ of the Borough of Adamstown, Lancaster and Berks Counties, Pennsylvania”.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 303. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of the districts shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following Borough limits shall be construed as following Borough limits;
- D. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A. through D. above shall be so construed.

- F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections A. through F. above, the Zoning Hearing Board shall interpret the district boundaries.

SECTION 304. USE ADJUSTMENT ON DISTRICT BOUNDARIES.

Where a district boundary line divides a lot existing at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a Special Exception, the extension of the district regulations for either portion of the lot to extend for a distance not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

ARTICLE 4

CONFORMANCE REQUIRED

SECTION 401. APPLICATION OF DISTRICT REGULATIONS.

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk;
 - 2. To accommodate or house a greater number of families or uses;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
 - 5. In any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any structure or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use.
- D. No yard or lot existing at the time of passage of this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 402. USES NOT PROVIDED FOR.

When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for consideration of special exceptions contained herein. The use may be permitted if it is of the same general character of the enumerated permitted uses in the zoning district, in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district and shall comply with all performance standards applicable to such permitted uses in the zoning district.

ARTICLE 5

DISTRICT REGULATIONS

SECTION 501. CONSERVATION (CONS) DISTRICT

A. INTENDED PURPOSE.

1. In the interest of the public health, safety and welfare, the regulations of the CONS-Conservation District are designed and intended to protect areas in the borough for the preservation of the natural environment and to permit and encourage the retention of open land which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough as provided for in the Adamstown Borough Comprehensive plan. The soils in these areas are predominantly floodplain, wet and/or shallow soils. And these districts contain open areas of streams, creeks and drainageways. These districts are established to preserve the areas along streams which are subject to flooding from encroachments that will impair their usefulness as natural drainageways
2. The specific intent of the District is:
 - a. To combine with present regulations certain restrictions made necessary for areas consisting of floodplain, wet and/or shallow soils.
 - b. To prevent the erection of structures in areas unfit for human usage by reason of drainageways from flooding.
 - c. To minimize danger to the public health by protecting the water supply and promoting safe and sanitary drainage.
 - d. To reduce the financial burdens imposed upon the community, the governmental units, and its individuals.
 - e. To permit only those uses in the conservation areas compatible to the preservation of natural conditions which are conducive to the maintenance of unimpeded flow of flood waters, constant rates of water flow throughout the year by:
 - (1) Withholding rapid water runoff contributing to downstream flooding and
 - (2) Providing area for groundwater absorption for maintenance of the sub-surface water supply.

- f. To provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitation.

B. PERMITTED USES. The following uses are permitted in the CONS-Conservation District:

1. Cultivation and harvesting of crops according to recognized soil conservation practices.
2. Pasture, grazing land.
3. Outdoor plant nursery.
4. Recreation use such as: park, day camp, picnic grove, camp ground, golf course, hunting, fishing, and boating club, excluding structures, dwellings or vehicular dwellings.
5. Forestry, lumber and reforestation, excluding storage and mill structures.
6. Harvesting of any wild crop such as marsh hay, ferns, moss, berries, or wild rice.
7. Game farm, fish hatchery (excluding rearing structures), hunting and fishing reserves.
8. Wildlife sanctuary, woodland preserve, arboretum.
9. Outlet installations for sewage treatment plants, sealed public water supply wells.
10. Accessory uses customarily incidental to any of the above permitted uses.

C. SPECIAL EXCEPTION USES. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:

1. To be permitted by special exception in areas designated Special Flood Hazard Areas on Federal Insurance Administration Flood Hazard Boundary Maps and in areas containing alluvial soils as shown in the Soil Survey Lancaster County, Pennsylvania, prepared by the U. S. Department of Agriculture Soil Conservation Service, are the following:
 - a. Residential front, side, and/or rear yards and uses customarily incidental thereto, except that no structure shall be permitted. Inclusion of open space lands within the residential lots in order to meet minimum lot area or yard requirements is contingent upon

complying with the objectives and standards set forth in the intended purpose (Section 501 A.) and with other pertinent Borough regulations. If such compliance cannot be shown, the land area within the open space district shall not be calculated for purposes of determining lot areas or yard requirements.

- b. Non-paved parking lots where required by the regulations for any other class of district.
 - c. Front, side and/or rear yards of any other class of district except that an area so utilized shall not be inconsistent with the objectives and standards set forth in the intended purpose (Section 501 A.) and with any other pertinent Borough regulations.
 - d. Within planned unit residential developments it shall be possible to utilize CONS-Conservation District lands in calculating the total units for the entire tract, in accordance with the provisions contained within the planned unit residential section of this Ordinance.
2. To be permitted by special exception in areas not designated Special Flood Hazard Areas on Federal Insurance Administration Flood Hazard Boundary Maps and areas not containing alluvial soils, are the following:
- a. Single-family detached dwellings, provided that the dwelling shall be connected to and use public sanitary sewage for disposal of all wastewater generated on the lot. The public sanitary sewage system shall be the sewage collection, conveyance and treatment facilities owned and operated by the Borough or such other public sewage collection, conveyance and treatment system approved by the PaDEP. No dwelling shall use an individual on lot sewage disposal system.
 - b. Customary residential accessory use, subject to Sections 612 and 613 of this Ordinance.
 - c. Non-paved parking lots where required by the regulations for any other class of district.
 - d. Front, side and/or rear yards of any other class of district except that an area so utilized shall not be inconsistent with the objectives and standards set forth in the intended purpose (Section 501 A.) and with any other Borough regulations.
 - e. Within planned unit developments it shall be possible to utilize CONS-Conservation District lands in calculating total units for the

entire tract, in accordance with the provisions contained within the planned unit residential development section of this Ordinance.

- f. Communications antenna mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings subject to the requirements of Section 708 of this Ordinance.
- g. Communications tower and communications equipment buildings subject to the requirements of Section 709 of this Ordinance.

D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS. Each of the following dimensional requirements shall apply to each use in the Conservation (CONS) District, except as specifically provided for elsewhere in this Ordinance:

- 1. Minimum Lot Area - three (3) acres
- 2. Minimum Lot Width – two hundred fifty (250) feet
- 3. Minimum Front Yard – sixty (60) feet in depth
- 4. Minimum Side Yard – fifty (50) feet in depth (each)
- 5. Minimum Rear Yard – fifty (50) feet in depth
- 6. Maximum Lot Coverage – four percent (4%) covered by buildings and structures
- 7. Maximum Paving Coverage – three percent (3%) covered by paving
- 8. Maximum Height – thirty-five (35) feet, except as provided for in Section 604.

E. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.

F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.

G. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

- H. **PLANNING COMMISSION APPROVAL.** All plans for structures within a distance of one hundred (100) feet from the CONS-Conservation District and all plans for the development of a recreation or utility use within or adjacent to the District shall be approved by the Borough Planning Commission.
- I. **EXCEPTIONS.** To determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness, unbuildability, or pollution in such areas, the Planning Commission may require that a detailed on-site investigation be made. The delineation of the CONS-Conservation District boundary, as shown on the Soil Maps, can be modified by the Zoning Hearing Board upon receipt of the findings of the detailed on-site survey technique by the petitioner. The Zoning Hearing Board shall act upon the recommendation of the Planning Commission and the validation of the Lancaster County Soil and Water Conservation District and/or other appropriate agencies.
- J. **MUNICIPAL LIABILITY.** The granting of a zoning permit or approval of a subdivision plan in any CONS-Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official or employee thereof of the importance or safety of any structure, use of other plan proposed, and shall create no liability upon or cause of action against such public body, official, or employee for any damage that may result pursuant thereto.

SECTION 502. WOODLAND (W) DISTRICT

- A. **INTENDED PURPOSE.** The W-Woodland District is intended and designed to preserve and protect open areas, essential watersheds, and woodlands from intensive development. This District is characterized by sparse residential land uses and contains provisions protecting the woodland, water and wildlife resources from exploitation. Larger minimum lot sizes are indicated because of the environmental constraints. Certain wells serving the Borough's public water supply and distribution system and watershed lands are located within the W-Woodland District. Recognizing this fact, it is also the intent of the district to regulate development in such a manner that the public interest will be served by lessening the chance of pollution or other damage to the Borough's public water supply.
- B. **PERMITTED USES.** The following uses are permitted in the W-Woodland District:
1. Cultivation and harvesting of crops according to recognized soil conservation practices.
 2. Pasture, grazing land.
 3. Outdoor plant nursery, orchard.
 4. Recreation use such as: park, day camp, picnic grove, camp ground, hunting and fishing, excluding dwelling or vehicular dwellings.
 5. Forestry, lumber and reforestation, excluding storage and mill structures.
 6. Harvesting of any wild crop such as marsh hay, ferns, moss, berries, or wild rice.
 7. Game farm, fish hatchery, hunting and fishing reserves.
 8. Wildlife sanctuary, woodland preserve, arboretum.
 9. Municipal uses.
 10. Accessory uses customarily incidental to any of the above permitted uses.
- C. **SPECIAL EXCEPTION USES.** The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:
1. In areas designated Special Flood Hazard Areas on Federal Insurance Administration Flood Hazard Boundary Maps and in areas containing alluvial soils as shown in the Soil Survey Lancaster County, Pennsylvania, prepared by the U. S. Department of Agriculture Soil Conservation Service:

- a. Residential front, side, and/or rear yards and uses customarily incidental thereto, except that no structure shall be permitted. Inclusion of open space lands within the residential lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards set forth in the intended purpose (Section 502 A.) and with other pertinent Borough regulations. If such compliance cannot be shown, the land area within the W-Woodland District shall not be calculated for purposes of determining lot areas or yard requirements.
 - b. Non-paved parking lots.
 - c. Front, side and/or rear yards of any other use except that an area so utilized shall not be inconsistent with the objectives and standards set forth in the intended purpose (Section 502 A.) and with any other pertinent Borough regulations.
2. In areas not designated Special Flood Hazard Areas on Federal Insurance Administration Flood Hazard Boundary Maps and areas not containing alluvial soils:
- a. Single-family detached dwellings, provided that the dwelling shall be connected to and use public sanitary sewage for disposal of all wastewater generated on the lot. The public sanitary sewage system shall be the sewage collection, conveyance and treatment facilities owned and operated by the Borough or such other public sewage collection, conveyance and treatment system approved by the PaDEP. No dwelling shall use an individual on lot sewage disposal system.
 - b. Customary residential accessory use, subject to Sections 612 and 613 of this Ordinance.
 - c. Home occupations in accordance with the requirements of Section 711.
 - d. Adult Uses, including, but not limited to Adult Bookstore, Adult Movie Theater, Massage Parlor and Adult Live Entertainment Use, subject to the following regulations:
 - (1) Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (a) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare

concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial and business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.

- (b) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods.
 - (c) To not attempt to suppress any activities protected by the free speech protections of the U. S. Constitution, but instead to control secondary effects.
- (2) No such use shall be located within: (i) 500 lineal feet of the lot line of any library, public park, existing dwelling, nor (ii) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, day care center or child nursery.
 - (3) No such Adult Use shall be located within 1,000 lineal feet of any existing Adult Use.
 - (4) A 50 foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. Buffer planting shall meet all requirements set forth in the Adamstown Borough Subdivision and Land Development Ordinance.
 - (5) 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.
 - (6) No such use shall be used for any purpose that violates any Federal, State or municipal law.

- (7) Signs shall comply with all requirements of Article 9 of this Ordinance.
- (8) 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.
- (9) The structure shall be connected to and use public sanitary sewage for disposal of all wastewater generated on the lot. The public sanitary sewage system shall be the sewage collection, conveyance and treatment facilities owned and operated by the Borough or such other public sewage collection, conveyance and treatment system approved by the PaDEP. No structure shall use an individual on lot sewage disposal system.
- (10) 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.
- (11) No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
- (12) Only lawful massages as defined by court decisions shall be performed in a massage parlor.
- (13) All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful; adult live entertainment use.
- (14) Any application for such use shall state the names and home addresses of (i) all individuals intended to have more than a five (5) percent ownership in such use or in a corporation owning such use and (ii) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
- (15) The use shall not operate between the hours of 12 midnight and 7 a.m.
- (16) As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990

(which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths, among other matters).

- e. Communications antenna mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings subject to the requirements of Section 708 of this Ordinance.
- f. Communications tower and communications equipment buildings subject to the requirements of Section 709 of this Ordinance.
- g. Wind Energy Conversion Systems (WECS) subject to the requirements of Section 717 of this Ordinance.

D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS. - Each of the following dimensional requirements shall apply to each use in the Woodland (W) District, except as specifically provided for elsewhere in this Ordinance:

- 1. Minimum Lot Area - three (3) acres
- 2. Minimum Lot Width – two hundred fifty (250) feet
- 3. Minimum Front Yard – sixty (60) feet in depth
- 4. Minimum Side Yard – fifty (50) feet in depth (each)
- 5. Minimum Rear Yard – fifty (50) feet in depth
- 6. Maximum Lot Coverage – four percent (4%) covered by buildings and structures
- 7. Maximum Paving Coverage – three percent (3%) covered by paving
- 8. Maximum Height – thirty-five (35) feet, except as provided for in Section 604.

E. PRESERVATION OF EXISTING WOODLANDS. Existing wooded areas shall be protected for all residential uses and other land uses. At least seventy-five (75) percent of the number of trees which have a minimum trunk caliper of five (5) inches measured three (3) feet above ground that are existing prior to any earth-moving activities requiring a zoning permit shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum caliper of three (3) inches measured three (3) feet above finished grade.

- F. WELLHEAD PROTECTION. The storage, mixture and/or application of regulated substances including pesticides and fertilizers shall not occur within a radius of five hundred (500) feet from any municipal well.
- G. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- H. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- I. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

SECTION 503. LOW DENSITY RESIDENTIAL (R-1) DISTRICT

- A. **INTENDED PURPOSE.** The regulations for the R-1 Low Density Residential District are designed to provide an area in the Borough where single family detached dwellings can be developed at an overall density of one (1) dwelling unit per acre or less. This district is also designed to allow limited recreational development. Further, this district is recognized to contain areas of steep slope, which need regulation for protection and preservation from development activities.
- B. **PERMITTED USES.**
1. Single-family detached dwellings.
 2. Single-family detached dwellings with lot averaging.
 3. Forestry activities, subject to the conditions listed in Section 631 of this Ordinance.
 4. Customary accessory uses or structures customarily incidental to any of the above permitted uses, including:
 - a. Private garages.
 - b. No-impact home-based businesses, subject to the conditions listed in Section 714 of this Ordinance.
- C. **SPECIAL EXCEPTION USES.** The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:
1. Uses which, in the opinion of the Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of the Low Density Residential District.
 2. Recreational uses open to the public such as parks, picnic groves and camp grounds, including permanent structures, subject to the following requirements:
 - a. Miniature golf, video arcades and similar activities shall not be permitted as either a principal or accessory use.
 - b. Target ranges for indoor or outdoor shooting shall not be permitted as either a principal or accessory use.

- c. Taverns and restaurants shall not be permitted as either a principal or accessory use.
 3. Recreational uses and areas and structures operated by private membership clubs for the benefit of their members subject to the limitations of subsection (C.1.).
 4. Bed and Breakfast Inns, subject to the conditions listed in Section 706 of this Ordinance.
 5. Necessary public utility/municipal structures and buildings.
 6. Mobile Home Parks, subject to the conditions listed in Section 713 of this Ordinance.
- D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS - WITHOUT LOT AVERAGING. Each of the following dimensional requirements shall apply to each use in the Low Density Residential (R-1) District, except single-family detached dwellings employing lot averaging, and except as specifically provided for elsewhere in this Ordinance:
1. Minimum Lot Area - one (1) acre.
 2. Minimum Lot Width – one hundred (100) feet.
 3. Minimum Lot Depth – one hundred fifty (150) feet.
 4. Minimum Front Yard –fifty (50) feet in depth.
 5. Minimum Side Yard – fifteen (15) feet in depth (each).
 6. Minimum Rear Yard – thirty (30) feet in depth.
 7. Maximum Lot Coverage – twenty-five percent (25%) covered by buildings and structures.
 8. Maximum Height – thirty-five (35) feet, except as provided for in Section 604.

The development of single-family detached dwellings employing lot averaging shall comply with the requirements of Section 712.

- E. **PRESERVATION OF EXISTING WOODLANDS.** Existing wooded areas shall be protected for all residential uses and other land uses. At least fifty (50) percent of the number of trees which have a minimum trunk caliper of five (5) inches measured three (3) feet above ground that are existing prior to any earth-moving activities requiring a zoning permit shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum caliper of two (2) inches measured three (3) feet above finished grade.
- F. Application for development of tracts where fifty percent (50%) or more of the tract has a slope in excess of 20 percent shall be limited to the removal of no more than twenty-five percent (25%) of the vegetative cover.
- G. **SUPPLEMENTARY DISTRICT REGULATIONS.** The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- H. **MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.** Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- I. **SIGNS AND ADVERTISING STRUCTURES.** Signs shall be permitted in accordance with Article 9 of this Ordinance.

SECTION 504. MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT

- A. **INTENDED PURPOSE.** The regulations for the R-2 Medium Density Residential Districts are designed to protect and strengthen the characteristics of certain areas in the Borough where the development pattern has already been established with single family residential dwellings of a minimum density character and to allow for the development of new districts of similar character where appropriate.
- B. **PERMITTED USES.** Land and buildings in an R-2 Medium Density Residential District shall be used only for the following purposes:
1. Single-family detached dwellings.
 2. Single-family detached dwellings with lot averaging.
 3. Churches and similar places of worship.
 4. Nursery, kindergarten, elementary schools, community activity buildings, parks and playgrounds.
 5. Customary accessory uses and buildings incidental to any of the above permitted uses, including:
 - a. Private garages.
 - b. No-impact home-based businesses subject to the conditions listed in Section 714 of this Ordinance.
 6. Forestry activities, subject to the conditions listed in Section 631 of this Ordinance.
- C. **SPECIAL EXCEPTION USES.** The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:
1. Uses which, in the opinion of the Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of the Medium Density Residential District.
 2. Recreation areas and structure operated by membership clubs for the benefit of their members.
 3. Cemeteries, hospitals, clinics and convalescent homes.
 4. Necessary public utility structures and buildings.

5. Planned unit residential developments, subject to the conditions listed in Section 715 of this Ordinance.
6. Home occupations, subject to the conditions listed in Section 711 of this Ordinance.

D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS. Each of the following dimensional requirements shall apply to each use in the Medium Density Residential (R2) District, except single-family detached dwellings employing lot averaging, and except as specifically provided for elsewhere in this Ordinance:

1. Minimum Lot Area – six thousand (6,000) square feet.
2. Minimum Lot Width – sixty (60) feet at the building line.
3. Minimum Lot Depth – one hundred (100) feet.
4. Minimum Front Yard – twenty-five (25) feet in depth.
5. Minimum Side Yard –ten (10) feet in depth (each).
6. Minimum Rear Yard – twenty-five (25) feet in depth.
7. Maximum Lot Coverage – thirty-five percent (35%) covered by buildings and structures.
8. Maximum Height – thirty-five (35) feet, except as provided for in Section 604.

The development of single-family detached dwellings employing lot averaging shall comply with the requirements of Section 712.

- E. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- G. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

SECTION 505. MAIN STREET RESIDENTIAL (R-3) DISTRICT

- A. **INTENDED PURPOSE.** The R-3 Main Street Residential District is composed of the older portions of the Borough with the highest residential densities. This area contains a compatible mingling of single-family detached, semi-detached and row house (townhouse) dwelling units. This area also historically contained numerous commercial activities as well. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to allow for compatible business uses and to encourage a suitable environment for family life.
- B. **PERMITTED USES.** Land and buildings in an R-3 Main Street Residential District shall be used only for the following purposes:
1. Single-family detached dwellings.
 2. Single-family semi-detached or two-family dwellings.
 3. Churches and similar places of worship.
 4. Nursery, kindergarten, elementary schools, community activity buildings, parks and playgrounds.
 5. Municipal uses.
 6. Public uses.
 7. Necessary public utility structures and buildings.
 8. Home occupations in accordance with the requirements of Section 711.
 9. Any retail business whose principal activity is the sale of merchandise in an enclosed building, excepting uses such as the following, which tend to detract from, or interfere with such shopping activity: automobile sales and service, car washes and the like.
 10. Retail sales in which both a workshop and a retail outlet or showroom are required such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, photographic reproduction, and similar establishments of no more objectionable character, subject to the following provisions: not more than twenty-five (25) percent of the total usable floor area of the establishment shall be used for servicing, repairing, manufacturing, or processing activity.
 11. Restaurants and other establishments serving food and beverages except those having the character of a "drive-in" type.

12. Enclosed theaters, assembly halls and similar places of assembly for entertainment.
 13. Personal service shops which deal directly with consumers, offices and establishments.
 14. Other uses which are similar to the above non-residential uses and subject to the following regulations:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers.
 - b. All businesses servicing and processing except for off-street parking and loading shall be conducted within enclosed buildings.
 15. Forestry activities, subject to the conditions listed in Section 631 of this Ordinance.
 16. Customary accessory uses and buildings incidental to any of the above permitted uses, including:
 - a. Private garages.
 - b. No-impact home-based businesses, subject to the conditions listed in Section 714 of this Ordinance.
- C. SPECIAL EXCEPTION USES. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:
1. Townhouses and apartment buildings.
 2. Recreation areas and structure operated by membership clubs for the benefit of their members.
 3. Cemeteries, hospitals, clinics and convalescent homes.
 4. Uses which, in the opinion of the Zoning Hearing Board are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of the Main Street Residential District.

D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS. Each of the following dimensional requirements shall apply to each use in the Main Street Residential (R3) District, except as specifically provided for elsewhere in this Ordinance:

1. Minimum Lot Area -
 - a. Single-family detached dwelling units - four thousand (4,000) square feet.
 - b. Single-family semi-detached and two-family dwelling units – three thousand (3,000) square feet per dwelling unit.
 - c. Apartment Buildings - ten thousand (10,000) square feet for the first dwelling unit and an additional two thousand (2,000) square feet for each additional unit.
 - d. Townhouse (row house) unit - two thousand four hundred (2,400) square feet.
 - e. Non-residential uses - six thousand (6,000) square feet.
2. Minimum Lot Width -
 - a. Single-family detached and two-family dwelling units - forty (40) feet at the building line.
 - b. Single-family semi-detached dwelling units - thirty (30) feet at the building line (each unit).
 - c. Apartment Buildings – one hundred (100) feet at the building line.
 - d. Townhouse (row house) unit - twenty (20) feet at the building line.
 - e. Non-residential uses – forty (40) feet at the building line.
3. Minimum Lot Depth - one hundred (100) feet.
4. Minimum Front Yard - The front wall of any new building or structure shall not be located farther from the street than the front wall of the nearest existing adjacent building or structure in the R-3 District.

5. Minimum Side Yard(s) -
 - a. Single-family detached and two-family dwellings - there shall be two (2) side yards, each having a minimum width of three (3) feet.
 - b. Single-family semi-detached dwellings – there shall be one (1) side yard having a minimum width of three (3) feet for each dwelling unit.
 - c. Apartments - there shall be two (2) side yards, each having a minimum width of five (5) feet.
 - d. Townhouses (end units) - there shall be one (1) side yard having a minimum width of three (3) feet.
 - e. Non-residential uses – there shall be one (1) side yard having a minimum width of five (5) feet on each side of the building that is not a common party wall.
 6. Minimum Rear Yard – twenty-five (25) feet in depth.
 7. Maximum Lot Coverage -
 - a. All residential uses - fifty percent (50%) covered by buildings and structures.
 - b. Non-residential uses – seventy-five percent (75%) covered by buildings and structures.
 8. Maximum Height – no principal structure shall exceed three (3) stories in height, except as provided for in Section 604.
- E. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- G. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

SECTION 506. MIXED USE (MU) DISTRICT

A. INTENDED PURPOSE.

1. The principal purpose of the MU-Mixed Use District is to encourage the implementation of diverse but compatible land uses such as a mixture of residential, office, retail, recreational, tourist related, craft related and similar uses in a manner in which the uses complement each other. All developments in the MU-Mixed Use District shall be subject to plan review through the conditional use plan review process. In utilizing the plan review process, the regulations of this district encourage planned locations containing appropriate densities, height and mixture of uses for new residential and commercial uses. The regulations recognize that areas in and near the Borough already cater to tourists who make use of existing antique and flea market facilities. Provisions in this district will complement those existing facilities by providing housing for the proprietors and patrons of those facilities, by providing services for the facilities, proprietors and patrons as well as by providing compatible commercial, trade and craft facilities. Among the services offered may be lodging arrangements commonly referred to as "bed and breakfast" facilities or small country inns. Additional purposes of the district are to encourage the preservation of existing natural features, including woodlands and natural waterways, and to serve as a buffer to adjacent residential uses. The regulations in this district also seek to encourage sufficient allocation of land and design of pedestrian and vehicular circulation patterns to meet the objective of providing an efficient, well planned area.
2. The MU-Mixed District encourages the creation of planned developments where residents of the Borough will both live and work. This will seek to decrease the demands placed on existing public service facilities during normal commuter hours.
3. All MU-Mixed Districts shall be mapped and the regulations applied to certain selected geographic areas intended to carry out the purposes of the Borough's comprehensive plan and the purposes of this district.

B. CONDITIONAL USES. All developments in the MU-Mixed Use District are subject to approval as a conditional use. It is the intent of these regulations that there shall be no uses permitted as of right nor shall there be any uses permitted by special exception. Land and buildings in the MU-Mixed Use District shall be used only for a combination of the following:

1. Residential Uses.
 - a. Dwellings, including single-family detached, single-family semi-detached, two-family, townhouse and apartment dwellings;

provided, that the minimum size of any residential unit shall be eight hundred (800) square feet and that no more than eighty (80) percent of the residential units in any one (1) development shall be apartments and/or townhouses.

- b. In this district only, dwellings may be used as pensiones subject to the following limitations:
- (1) During the conditional use approval process, the applicant shall designate the maximum number of pensiones and the maximum number of bedrooms which will be made available for rental in such pensiones. No more than eighty (80) percent of the dwellings in a mixed use development may be used as pensiones.
 - (2) No dwelling may be used as a pensione unless there will be at least one (1) permanent occupant and at least eight hundred (800) square feet of living space is designated for the exclusive use, of the permanent occupant or occupants.
 - (3) The first floor of a dwelling used as a pensione may have commercial space. Off-street parking for the commercial space shall be provided in accordance with Section 506 C.8.b. Such off-street parking shall be in addition to the off-street parking for the dwelling unit and the pensione bedrooms.
 - (4) The applicant for a zoning permit to authorize construction of the dwelling unit shall designate whether the dwelling unit shall be used as a pensione. The applicant shall demonstrate to the Zoning Officer that the maximum number of dwelling units approved for use as pensiones and the maximum number of bedrooms approved for pensione use in the conditional use approval has not been exceeded and that off-street parking as required by Section 506 C.8.c. will be provided.
 - (5) A dwelling unit which is not a pensione cannot be used as a pensione until the owner obtains a zoning permit authorizing such use. The applicant for a zoning permit to convert a dwelling unit to pensione use shall demonstrate to the Zoning officer that the maximum number of dwelling units approved for use as pensiones and maximum number of bedrooms approved for pensione use in the conditional use decision will not be exceeded by the conversion and that off-street parking as required by Section 506 C.8.c. will be provided.

- c. Accessory uses customarily incidental to those listed above.

2. Commercial Uses.

- a. Stores and personal service shops for the conducting of retail businesses.
- b. Specialty shops for custom work and articles to be sold at retail or wholesale on the premises; provided, that shops engaging in wholesale sales shall not exceed five thousand (5,000) square feet in area.
- c. Restaurants and other establishments serving food and beverages.
- d. Liquor stores or wine stores.
- e. Studios for teaching handcraft, artistic, musical or other similar skills.
- f. Offices for providing medical, dental, real estate, accounting or legal services; provided, that no more than three (3) individuals who are the principal doctors, dentists, real estate sales people, accountants or lawyers, whichever the case may be, together with their support staff, may practice on the premises at any one (1) time.
- g. Hotels or inns; provided, that no facility shall have more than twelve (12) rooms or other units of accommodation for patrons.
- h. Workshops for artisans and craftpersons.
- i. Accessory uses that are both customarily incidental to those above listed and which are reasonably necessary for the planned development of which such uses are a part.

C. **SPECIFIC STANDARDS GOVERNING ALL MIXED USE DEVELOPMENT.** It is the intent of these regulations of this Section to establish all specific standards governing developments in the MU-Mixed Use District. In the event that other provisions of this Ordinance establish standards which are different from those set forth in this Section, the regulations set forth in this Section shall supersede the conflicting provisions in the other provisions of this Ordinance.

- 1. Mix of Uses. All development in the MU-Mixed District shall have a mix of uses meeting the following standards. Each proposal shall include an analysis of the commercial use ratio. The commercial use ratio shall be calculated by dividing the total floor area devoted to commercial uses by

the total floor area of all buildings. For purposes of determining this ratio, all open or enclosed courtyards and partially or fully enclosed pedestrian walkways shall be excluded from both the numerator and the denominator in the calculation. Pavilion areas which are intended to be open to the public but which may, from time to time, have commercial activities located therein, shall be excluded from both the numerator and the denominator in the calculation. The floor area of bedrooms and common areas in a pensione shall be counted as residential floor area and not as commercial floor area.

- a. The maximum commercial ratio for the development as a whole and for each phase, in a phased development, shall be forty (40) percent.
 - b. Within a contiguous group of buildings having at least ten thousand (10,000) square feet of aggregate floor area, the maximum commercial ratio within that contiguous group of buildings shall be sixty (60) percent.
2. Minimum Lot Area. Every mixed use development shall be on one (1) lot containing a minimum of ten (10) acres.
 3. Landscaping.
 - a. Landscape Surface Ratio. The percentage of the area of land devoted to pervious landscaping and plant containers divided by the area of the lot shall be no less than twenty (20) percent. In calculating the landscape surface area ratio required for a mix use development, every acre or portion of an acre of land containing natural amenities which are preserved shall be considered to be twice its actual area. The natural areas to be considered shall be limited to woodlands, natural waterways, sites which are historically significant and areas having unique geological features or which are habitats for rare or endangered plant or animal species. In addition to landscaping areas on site, the owner of a proposed mixed use development may offer to dedicate to the Borough or another appropriate public body off site open space area meeting the requirements for a landscape area which, if accepted by the Borough, shall count toward the required landscape surface ratio by counting in both the numerator and the denominator. Off site areas which are so accepted and which meet the above requirements for natural areas shall be considered to be twice their actual area in the same manner as on-site natural areas.

- b. Landscape Materials. Landscaping materials shall include, but not be limited to, a combination of groundcovers, shrubs, vines, flowers, deciduous trees, evergreens, planters, rocks, gravel, earth mounds, fences, fountains and park or sidewalk type furniture such as benches. No less than eighty (80) percent of any required landscape area shall be vegetative.
 - c. Greenspace for Setbacks. There shall be no minimum front yard, side yard or rear yard setbacks for the proposed development; provided, that greenspace shall be provided for a depth of fifteen (15) feet along the perimeter of the entire lot. The greenspace requirement may be waived or modified if the lot or lots to which it would be adjacent are included in the overall plan for the project and the uses in the lot or lots are complementary to the uses planned for the project.
 - d. Landscape Screening. A landscape screen shall be provided along all property lines adjacent to residential areas. Screening shall consist of walls, fences, earth berms or evergreen trees, hedges or shrubs. No wall or fence shall be constructed of woven chain link, corrugated metal, corrugated fiberglass or similar materials. Screening shall be arranged to block the ground level views between grade and the height of six (6) feet. Landscape screens shall achieve such visual blockage within two (2) years following installation. Trees, hedges and shrubs selected to provide screening shall be typical of their species and variety, have well developed branches, be densely foliated and have vigorous, fibrous root systems. Any tree, hedge or shrub which dies within eighteen (18) months of planting shall be replaced.
4. Density. The maximum floor area ratio for every development shall be forty (40) percent. The "floor area ratio" means the ratio, expressed as a percentage, of gross floor area, excluding storage areas, to the total lot area. In equation form, the floor area ratio is expressed as follows:

$$\text{Floor Area Ratio} = \text{Gross floor area/lot area}$$

5. Maximum Height. No building or structure intended for human occupancy shall exceed the lesser of four (4) stories or forty-five (45) feet, including attic areas but not including towers, belfries, flagpoles, skylights, chimneys or similar architectural features not intended for human occupancy.

6. Utilities.
 - a. Every mixed use development shall be served by both public water and public sewer.
 - b. Every mixed use development shall have adequate electrical service.
 - c. All trash and waste stored outside of a building shall be placed in containers which shall be located in an enclosed or visually screened area. If screened, the screening shall be accomplished by either vegetative material or a fence meeting the requirements for landscape screening set forth above.
7. Public Improvements. All public improvements and public amenities, including stormwater management facilities, sanitary sewer lines, public water lines, streets, curbs and pedestrian walkways shall meet the standards of the Borough or of the municipal authority or other body having jurisdiction and shall be completed or sufficient financial security submitted to secure their completion before any building permits are issued for any other structures. In the event of a phased development, it shall be demonstrated that such public utilities and public amenities as are reasonably necessary for the efficient operation of the entire project shall be installed prior to the occupancy of individual residential, commercial or recreational units.
8. Parking.
 - a. Residential. Two (2) parking spaces shall be provided for every dwelling unit. All residential parking areas shall be located separate and apart from commercial parking spaces.
 - b. Commercial. One (1) parking space shall be provided for every three hundred (300) square feet of gross floor area of commercial space. Solely for the purpose of determining parking requirements, the floor area of wholly or partially enclosed pavilion areas which may, from time to time, have commercial activities located therein, shall be included in the gross floor area used to calculate commercial parking requirements.
 - c. Residential Units Used as Pensiones. One (1) off-street parking space shall be provided for every bedroom designated for guests in a dwelling unit authorized to be used as a pensione in addition to the off-street parking spaces required for the dwelling unit itself by Section 506 C.8.a. The parking spaces available for pensiones may but need not be located separate and apart from commercial

parking spaces. The location may be designated as part of a conditional use approval or the location may be designated by the Zoning officer in connection with the issuance of a zoning permit or certificate of use and occupancy so as to insure that parking is located within a reasonable distance of the pensione.

- d. Use of Parking Areas Limited to Parking. The areas designated for parking shall be limited to use for parking and for vehicular access to the parking areas. Such areas shall not be used for display of goods or retail sales of any nature.
9. Vehicular Access. All parking facilities shall be designed so that every vehicle may proceed to and from any parking space without requiring the moving of another vehicle. All parking areas shall be designed so as to provide for the safe, efficient movement of traffic with the least amount of congestion. Principal vehicular access shall be separated from principal pedestrian access. All principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular and pedestrian traffic.
10. Pedestrian Access. All mixed use developments shall have sufficient and adequate pedestrian walkways. It is the intent of this district that the project be designed so as to encourage the establishment of main parking areas where individuals park their motor vehicles and then walk to the development. Once inside the development, adequate and safe interior pedestrian access shall be provided to all commercial uses.
11. Natural Amenities. All mixed use developments shall be designed insofar as practical to preserve existing wooded areas, natural waterways, ponds, lakes and wetlands.
12. Signs. Each mixed use development shall have no more than one (1) identification sign for every separate public street on which the development fronts. Each identification sign may have no more than two (2) faces, and each face shall not exceed eighty (80) square feet in area. Each separate commercial use shall be entitled to one (1) sign containing no more than two (2) sign faces, and each face shall not exceed three (3) square feet in area. The individual commercial sign shall be either attached directly to the face of the commercial structure or erected perpendicular to the face of the commercial structure.
13. Phased Development. In the event that a development is planned to be constructed in phases, the following standards shall be adhered to:

- a. The number of phases and intensity of each phase shall comply with the standards of the Pennsylvania Municipalities Planning Code.
 - b. The public improvements and other public amenities required as a part of each phase including, but not limited to, streets, open space, landscaping and stormwater management facilities shall be capable of standing as a separate development without completion of the remaining phases.
14. Retail Sales and Display Located Outside of Stores, Shops, Studios and Workshops. Within the MU-Mixed Use District, the display and sale of goods which are permitted by the terms of this Ordinance shall be limited to the stores, shops, studios and workshops which are permitted by this Ordinance, and to pavilion areas and areas adjacent to the above described buildings subject to the following limitations:
- a. As to pavilion areas, such use of the pavilion areas must be (a) specifically approved as part of an application; (b) must be a permanent structure under roof; and (c) must not exceed ten (10) percent of all floor area devoted to commercial use.
 - b. As to sales and display permitted outside stores, shops, studios and workshops, such sales and display are limited to within five (5) feet of those named buildings and must be operated by the proprietor of the particular store, shop, studio or workshop.
15. Administration of Pensiones. The owner of each residential unit approved to be used as a pensione shall designate the permanent principal occupant of the pensione at the time of issuance of the certificate of use and occupancy. The owner shall notify the Zoning Officer each time the permanent principal occupant of the pensione changes by filing the form prescribed by the Zoning Officer. The owner of the pensione shall pay the administrative fee established by ordinance or resolution of the Borough Council when filing the form to designate a new permanent principal occupant.
- D. PROCEDURE FOR ALL CONDITIONAL USES IN THE MIXED USE (MU) DISTRICT.
- 1. Where Borough Council, in this Ordinance, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hear and decide requests for such conditional uses in accordance with the procedure outlined in this Section. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those

expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

2. The Borough shall schedule the application for action at a public meeting within ninety (90) days of its first regularly scheduled public meeting after the date of filing. At least thirty (30) days prior to the public hearing on the application for conditional use, Borough Council shall submit the application and plan to the Borough Planning Commission for review and comment.
 - a. All applicants for a conditional use shall submit twelve (12) sets of sketch plans for the proposed use to Borough Council as a part of the application for a conditional use. The sketch plan shall provide the following:
 - (1) A statement describing the proposed use.
 - (2) A location map showing the entire tract and its relation to the surrounding area, drawn on a scale of two thousand (2,000) feet per inch.
 - (3) The location of all existing floodplains, wetlands, watercourses, railroads, areas of subsidence, wooded areas (marking any wooded areas to be cleared), bridges, culverts, and other significant natural features on the tract.
 - (4) The location of all streets bordering the tract and the location and names of all owners of adjoining tracts.
 - (5) Location of all proposed land uses.
 - (6) Size and intensity of use data, including the number of residential or commercial units, lot size, the number and types of dwelling units, and the floor area ratio.
 - (7) The location and arrangement of all open spaces and yards, landscaping and buffer yards.
 - (8) The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off street parking, off street loading and unloading.
 - (9) The location and dimensions of pedestrian walkways.
 - (10) Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply. The

applicant shall demonstrate that the proposed methods of disposal of sewerage and provision of water are adequate and feasible.

- (11) Site contours at two (2) foot intervals.
 - (12) Zoning districts and applicable area, bulk and yard requirements.
 - (13) Certification by the person who prepared the sketch plan.
 - (14) Certification of ownership and acknowledgment of plans signed by owner or developer.
- b. All applicants for a conditional use shall provide a traffic study and report prepared by a professional traffic engineer for all phases of the development. Such traffic study and report shall have the following minimum considerations:
- (1) A description of the traffic impact area, including such areas, major roads and potential trip generation rates to be determined by current land use planning references. The traffic area shall include key roadway corridors that afford access to the site and critical intersections that may be affected by site generated traffic. The exact limits of the traffic area shall be based on engineering judgment and on understanding of existing traffic conditions at and in the vicinity of the proposed site. In all instances, the traffic area must be mutually agreed upon by the applicant and Borough prior to preparation of the study. Trip generation rates shall be determined through the use of the current edition of the Trip Generation Report published by the Institute of Transportation Engineers.
 - (2) Existing twenty-four (24) hour and peak traffic volume data, including weekdays, Saturdays and Sundays, when appropriate, for all streets which provide direct access to the proposed development and for the arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the traffic impact area.
 - (3) Existing twenty-four (24) hour and peak hour traffic volume data, including weekdays, Saturdays and Sundays, when appropriate, for all streets which provide direct access to the proposed development and for the arterial streets and

collector streets which will serve the proposed development, as well as any major intersection within the traffic impact area projected for the design year without the impact of the proposed development. The design year shall be considered the point in time when the development is completed and shall be determined in accordance with accepted engineering practices. In the event of a dispute as to the design year, the determination of the Borough Engineer shall be final.

- (4) Estimates of the total number of vehicles trips to be generated by the proposed development for typical twenty-four (24) hour periods, including weekdays, Saturdays and Sundays, when appropriate, and the typical a .m . and p .m . peak periods for weekdays, Saturdays and Sundays.
- (5) Assignments of post development twenty-four (24) hour and peak hour volumes to the arterial streets and collector streets and other streets that will serve the proposed development based upon the projections of increased traffic volumes within the traffic impact area. In making these estimated assignments, consideration shall be given to other developments approved but not yet constructed and to development trends.
- (6) Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.
- (7) Existing levels of service and levels of service projected for the design year without the impact of the proposed development on all abutting streets and all major intersections within the traffic impact area. Level of service shall be computed in accordance with the 1985 Highway Capacity Manual, Special Report 209, published by the Transportation Research Board, or any subsequent revision of such manual.
- (8) Capacity and level of service analysis on all abutting streets and all major intersections which will be impacted by the additional volumes generated by the development, including post development capacity and level of service and degradation of capacity and level of service.

- (9) Accident levels within the past five (5) years at the above intersections categorized by accident type for each intersection.
 - (10) Projected twenty-four (24) hour and peak hour turning movement data for all access points for the proposed development.
 - (11) In the event that the proposed development will result in levels of service at any intersection in the traffic area being reduced below a level of service of "C," provide descriptions of street improvements and traffic control devices that will be required to (a) ensure that traffic generated by the proposed development will not cause the level of service at such intersection to fall below "C"; (b) mitigate traffic congestion which will be caused by the proposed development; (c) mitigate traffic safety hazards which will be caused by the proposed development; and (d) avoid problems of traffic congestion and safety.
 - (12) Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the Borough's transportation network.
- c. Borough Council may grant approval of a conditional use provided that the applicant complies with the following standards for the conditional use. The burden of proof rests with the applicant.
- (1) The applicant shall establish by credible evidence compliance with all conditions relating to the conditional use enumerated in the Section which gives the applicant the right to seek the conditional use and with all requirements applicable to such use.
 - (2) The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems. The peak traffic generated by the proposed use shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public or private service systems including, but not limited to, police protection, fire protection, utilities, parks and recreation.
 - (3) The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly

designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

- (4) The applicant shall provide the Borough Council with sufficient plans, studies or other data to demonstrate compliance with this Ordinance.
 - (5) The Borough Council shall impose such conditions as are necessary to insure compliance with the purpose and intent of this Ordinance.
- d. Borough Council shall render a decision upon the conditional use application within such time limits as are set forth in the Pennsylvania Municipalities Planning Code and shall communicate such decision as required by the Pennsylvania Municipalities Planning Code.

SECTION 507. HIGHWAY COMMERCIAL (HC) DISTRICT

- A. **INTENDED PURPOSE.** These districts are designed for commercial uses which are dependent on highway traffic or need open areas for the display of merchandise.
- B. **PERMITTED USES.** Land and buildings in HC-Highway Commercial Districts shall be used only for the following purposes:
1. Any non-residential use permitted as of right in the R-3 Main Street Residential District.
 2. Restaurants and other business establishments serving food and beverages, which may include drive-in and drive-through facilities.
 3. Roadside stands for the retail sale of locally grown farm produce.
 4. Retail sales of antiques and collectibles in accordance with the following standards:
 - a. All sales shall be made and all merchandise shall be displayed:
 - (1) within an enclosed building;
 - (2) within a permanent outdoor facility providing shelter for consumers and delineation of the sales area;
 - (3) from an open area which is set back from the front lot line at least the same distance as the principal building existing on the lot or, if there is no existing building, to the building setback line.
 - b. The sales and parking areas shall be maintained in a neat and orderly condition.
 5. Motels and hotels.
 6. No-impact home-based businesses in accordance with the requirements of Section 714.
 7. Home occupations in accordance with the requirements of Section 711.
 8. Municipal uses.
 9. Public uses.

10. Mixed commercial/residential buildings, limited to one (1) residential dwelling unit per mixed commercial/residential building.
 11. Customary accessory uses and buildings incidental to any of the above permitted uses.
- C. SPECIAL EXCEPTION USES. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:
1. Vehicle service facilities in accordance with the following standards and conditions:
 - a. The applicant shall submit a set of construction plans and specifications to the Zoning Hearing Board showing all structures, pumps, storage tanks, parking areas, and driveways for ingress and egress.
 - b. All pumps shall be located outside of buildings and on private property and in no case shall be within twenty (20) feet of any lot line.
 - c. All automotive parts, dismantled vehicles, and similar articles shall be stored within a building; all fuel oil or similar substances shall be stored at least thirty-five (35) feet from any lot line.
 - d. In no event shall a permit be granted for such use located within five hundred (500) feet of a school, hospital, infirmary, church, museum., club or place of public assembly having a capacity of one hundred (100) or more persons; provided, however, a vehicle service facility shall not be deemed nonconforming through the subsequent erection of such uses.
 - e. The grant of a special exception for a vehicle service facility shall be subject to such conditions and safeguards as the Board may impose with respect to, among other considerations, the location and adequacy of entrances and exits.
 2. Sales offices and lots for the retail sales of new and/or used automobiles, trucks, motorcycles, boats, recreational vehicles, farm equipment, and mobile homes which may include the servicing of vehicles as an accessory use.
 3. Billboards, in accordance with the regulations of Section 707 and all other applicable Federal and State statutes and regulations.

4. Amusement centers including drive-in theaters, bowling alleys, miniature golf courses, golf driving ranges and similar uses.
5. Animal hospitals and veterinary medical establishments for the treatment of animals; provided, however, that boarding and breeding of animals shall not be permitted.
6. Wholesaling and warehousing establishments, which shall not include the storage or sale of junk.
7. Public utility buildings.
8. Monument sales, mortuaries and funeral homes.
9. Single family detached dwellings.
10. Uses which are of the same general character of those listed as permitted uses and which will not be detrimental to the intended purpose of this District.

D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS.

1. Each of the following dimensional requirements shall apply to each nonresidential use (including mixed commercial/residential buildings) in the HC-Highway Commercial District, except as specifically provided for elsewhere in this Ordinance:
 - a. Minimum Lot Area – twenty thousand (20,000) square feet.
 - b. Minimum Lot Width – one hundred (100) feet at the building line.
 - c. Minimum Lot Depth – one hundred fifty (150) feet.
 - d. Minimum Front Yard – fifty (50) feet in depth.
 - e. Minimum Side Yard – twenty (20) feet in depth (each).
 - f. Minimum Rear Yard – twenty-five (25) feet in depth.
2. Single family detached dwellings, as permitted by special exception in the HC-Highway Commercial District, shall comply with the following dimensional requirements:

- a. Minimum Lot Area - six thousand (6,000) square feet.
 - b. Minimum Lot Width - sixty (60) feet at the building line.
 - c. Minimum Lot Depth - one hundred (100) feet.
 - d. Minimum Front Yard – fifty (50) feet in depth.
 - e. Minimum Side Yard(s) - there shall be two (2) side yards, each having a minimum width of ten (10) feet.
 - f. Minimum Rear Yard – twenty-five (25) feet in depth.
3. Maximum Lot Coverage –
- a. Single family detached dwellings – thirty-five percent (35%) covered by buildings and structures.
 - b. Non-residential uses – seventy-five percent (75%) covered by buildings and structures.
4. Maximum Height – thirty-five (35) feet, except as provided for in Section 604.
- E. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- G. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

SECTION 508. INDUSTRIAL (I) DISTRICT

- A. **INTENDED PURPOSE.** The Industrial District is designed to provide for the continuation of existing light industrial and manufacturing uses in the Borough, allow for the establishment of similar uses, and provide for the conversion of former industrial sites to other compatible uses. The Industrial District is intended for use primarily by industries and other uses characterized by the absence of objectionable external effects, with the purpose of encouraging compatibility within the district~~s~~ and to surrounding or adjacent districts.
- B. **PERMITTED USES.** Land and buildings in the Industrial District~~s~~ shall be used only for the following purposes:
1. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, packaging, testing nature which, in the opinion of the Zoning Officer will not be injurious or have an adverse effect on the adjacent areas and subject to such conditions, restrictions, and safeguards as may be deemed necessary by the Zoning Officer in the interest of public health, safety and welfare.
 2. Administrative office activity.
 3. Laboratory for scientific or industrial research development.
 4. Wholesale distribution of industrial products including lumber and coal yards, building material storage areas, contractor equipment storage areas, and commercial warehousing not including junkyards.
 5. Public utility buildings or structures, railroad transfer and storage tracks, passenger and/or freight terminals.
 6. Customary accessory uses and buildings customarily incidental to any of the above permitted uses.
 7. No-impact home-based businesses in accordance with the requirements of Section 714.
 8. Home occupations in accordance with the requirements of Section 711.
- C. **SPECIAL EXCEPTION USES.** The following uses are permitted when special exceptions are granted by the Zoning Hearing Board as provided for in Article 12 and other provisions of this Ordinance:
1. Uses which, in the opinion of the Zoning Hearing Board are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this District.

2. Junkyards used for storage, wrecking, converting used or discarded materials providing that such use is completely enclosed by appropriate vegetative planting to be planted and maintained at a height not less than eight (8) feet, backed by a solid fence no less than six (6) feet in height.
3. Conversions of existing structures in the Industrial District for one or more of the following uses:
 - a. Conversion apartments.
 - b. Indoor theaters, auditoriums and similar activities.
 - c. Community centers.
 - d. Stores and shops for the conducting of any generally recognized retail business, but not to include "drive-in service places."
 - e. Restaurants and other business establishments serving food and beverages, but not to include the "drive-in service places."
 - f. Medical centers/clinics.
 - g. Offices and workshops of a plumber, electrician, decorator or similar trade, and baking, printing and similar establishments.
 - h. Day care centers.
 - i. Mixed commercial/residential uses.
 - j. Mixed commercial/industrial uses.
 - k. Laundries, laundry services and cleaning plants.
- D. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS. Each of the following dimensional requirements shall apply to each use in the I-Industrial District, except as specifically provided for elsewhere in this Ordinance:
 1. Minimum Lot Area – one (1) acre.
 2. Minimum Lot Width – two hundred (200) feet.
 3. Minimum Lot Depth – one hundred fifty (150) feet.
 4. Minimum Front Yard – twenty-five (25) feet in depth.
 5. Minimum Side Yard – twenty (20) feet in depth (each).

6. Minimum Rear Yard – twenty (20) feet in depth.
 7. Maximum Height – no principal structure shall exceed forty (40) feet in height, except as provided for in Section 604
- E. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- G. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

SECTION 509. INSTITUTIONAL (INS) DISTRICT

- A. **INTENDED PURPOSE.** The purpose of the Institutional District is to provide for institutionally owned lands, including Borough and school district facilities. The Institutional District is also intended for religious and social service oriented uses; and similar non-profit quasi-public institutions where the use is for public purpose. In addition, the District is intended to provide a land use category for parks, open space, playgrounds, and recreational areas.
- B. **PERMITTED USES.** The following uses are permitted in the INS-Institutional District:
1. Churches and similar places of worship, including parish houses.
 2. Cemeteries.
 3. Recreational uses open to the public such as parks, picnic groves, camp grounds, exercise and weight training facilities, swimming and diving facilities and racquet sports courts, including permanent structures, subject to the following requirements:
 - a. Miniature golf, video arcades and similar activities shall not be permitted as either a principal or accessory use
 - b. Target ranges for indoor or outdoor shooting shall not be permitted as either a principal or accessory use.
 - c. Taverns, restaurants or boarding houses shall not be permitted as either a principal or accessory use.
 4. Recreational uses and areas and structures operated by private membership clubs for the benefit of their members subject to the limitations of Section 509 B.3.
 5. Nursery, kindergarten, elementary, middle and high schools.
 6. Municipal and public uses.
 7. Forestry activities, subject to the conditions listed in Section 631 of this Ordinance.
 8. Accessory uses or structures customarily incidental to any of the above permitted uses.

C. LOT AREA, WIDTH, DEPTH, HEIGHT AND YARD REQUIREMENTS

Each of the following dimensional requirements shall apply to each use in the Institutional (INS) District, except as specifically provided for elsewhere in this Ordinance:

1. Minimum Lot Area - one (1) acre
2. Minimum Lot Width – two hundred (200) feet
3. Minimum Lot Depth – one hundred fifty (150) feet
4. Minimum Front Yard – twenty-five (25) feet in depth
5. Minimum Side Yard – twenty (20) feet in depth (each)
6. Minimum Rear Yard – twenty (20) feet in depth
7. Maximum Lot Coverage – thirty-five percent (35%) covered by buildings and structures
8. Maximum Height – thirty-five (35) feet, except as provided for in Section 604

D. GENERAL REQUIREMENTS

1. Lighting for outdoor facilities and parking shall be designed so as to not cast glare on adjoining properties.
2. Where an INS-Institutional District abuts any residential district, a landscape strip not less than ten (10) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. To the maximum extent possible, this landscape strip and any vegetative screening shall use and maintain existing vegetation. Such vegetative planting, including any architectural screens or fences, shall be planted and maintained at not less than six (6) feet in height except on corner lots where a vision obstruction as defined and controlled in Section 609 of this Ordinance would occur.
3. Preservation of Existing Woodlands. At least fifty (50) percent of the number of trees (minimum trunk caliper of five (5) inches measured three (3) feet above ground) that exist prior to any earth-moving activities requiring a permit shall be maintained. Existing trees required to be removed during construction shall be replaced immediately following construction. Replacement trees shall be a minimum caliper of three (3) inches measured three (3) feet above finished grade.

- E. SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 6 shall apply, where applicable, as additional requirements for this district.
- F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.
- G. SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 9 of this Ordinance.

ARTICLE 6

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 601. APPLICABILITY

The provisions of this Article shall apply to all uses, development, and structures in the Borough, regardless of district, and shall be considered as additional conditions or restrictions to any other provisions in this Ordinance. To the extent anything contained in this Article conflicts with any other provision of the Zoning Ordinance, the most stringent and restrictive provision shall apply.

SECTION 602. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of water supply and sewage disposal.

SECTION 603. REQUIRED STREET ACCESS

Each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a lot which abuts a public or private street or road for a distance of not less than is required in the applicable district.

SECTION 604. EXCEPTIONS TO HEIGHT REGULATIONS

- A. The height limitations of this Ordinance shall not apply to church spires; farm structures when permitted by other provisions of this Ordinance (e.g. silos, barns, etc.); belfries, cupolas, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkhead and similar features; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features however shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations.
- B. In any district, any building may be erected to a height in excess of that specified for the district only by a Special Exception granted by the Zoning Hearing Board.

SECTION 605. FRONT-YARD EXCEPTION

In all zoning districts other than the R-3 and MU Districts, where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this Ordinance, the front yard requirements of the unimproved lot may be reduced to be compatible to the existing improved lot setback and required front yard.

SECTION 606. GENERAL LOT AND YARD REQUIREMENTS

A. Corner Lots.

1. Front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.
2. The rear yard shall be that yard which is opposite and most distant from the front lot line on the street of address.

B. Through Lots.

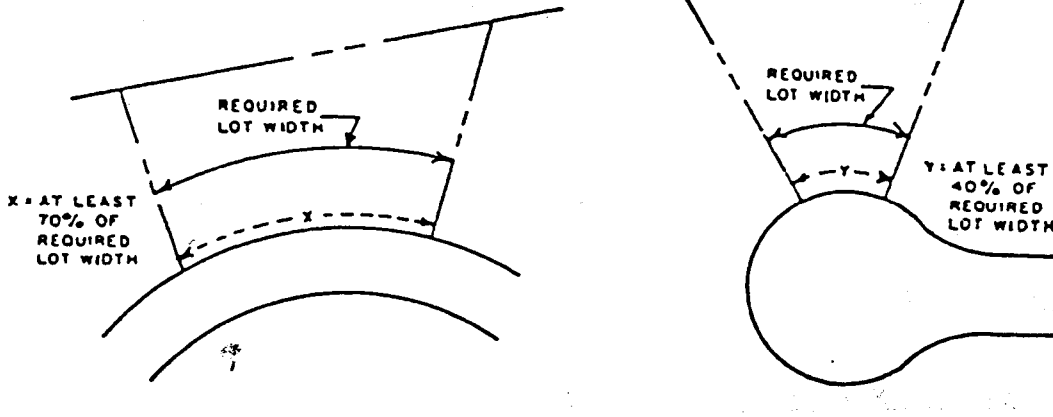
Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

C. Flag Lots.

Flag lots shall not be created when lots can be designed to provide full frontage along a street. Flag lots shall conform to the requirements of the Borough's Subdivision and Land Development Ordinance.

D. Irregularly Shaped Lots.

In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the minimum required front building setback line; provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy percent (70%) of the minimum lot width - except in the following situations: on cul-de-sacs or courts or street centerline curves of less than three hundred (300) feet radius, where then lot frontage measured at the street right-of-way line shall not be less than forty percent (40%) of the minimum lot width.



E. Projections Into Required Yards.

1. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding one and one-half (1 ½) feet in those districts where the minimum required side yard is three (3) feet; and three (3) feet in those districts where the minimum required side yard is greater than three (3) feet.
2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet.
3. Patios, decks, paved terraces and open porches may be located in side and rear yards provided that they do not extend closer than three (3) feet from any property line, and may project into front yards not closer than ten (10) feet to the street right-of-way line. If located closer than ten (10) feet to any adjacent property line, they shall be screened in accordance with the provisions of this Ordinance. In case of a corner lot, no such structures shall extend into the required yard adjoining each street closer than ten (10) feet to the street right-of-way line.
4. Handicap ramps may be permitted in front yards, in accordance with the following requirements:
 - a. Such structure shall be permitted only when no other feasible location on the lot exists.
 - b. Application for approval shall include a sketch of the proposed construction and location of the structure.
 - c. Minimum clearance of four (4) feet in width shall be maintained on the sidewalk.

F. Accessory or Appurtenant Structures. The setback regulations do not apply to:

1. Bus shelters and telephone booths.
2. Minor public utility structures.
3. Articles of ornamentation or decoration.

SECTION 607. MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area as required by the applicable codes in effect in the Borough, as may be enacted and/or amended from time to time.

SECTION 608. VISIBILITY AT INTERSECTIONS

No obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained within a seventy-five (75) foot clear sight triangle formed by the centerline of intersecting streets.

SECTION 609. LANDSCAPING AND SCREENING

A. Landscaping

1. Any part or portion of a site disturbed by development activity, which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
2. Except for single-family detached, single-family semi detached and two-family detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land Development Plan required under the Borough's Subdivision and Land Development Ordinance.

B. Planting Strip.

All commercial, industrial and nonresidential uses shall be separated from all side and rear property lines and all street right-of-way lines by a planting strip. The planting strip may be included in the required yard space and shall be based on the following criteria:

1. In all districts except the R-3 Main Street Residential District, the planting strip shall be ten (10) feet wide, measured from the property line or street right-of-way line. In the R-3 Main Street Residential District, the planting strip abutting side property lines shall be five (5) feet wide and abutting rear property lines shall be ten (10) feet wide. Said planting strip shall be planted in grass, shrubbery, trees, or other plant material, or decorative stone; but in no case shall these areas be paved or covered by an impervious surface. Said planting strip shall only be broken by approved entrances or exits.
2. Accessory buildings or structure shall be permitted within a planting strip provided they conform to the specific District requirements of this Ordinance.
3. Exception - No planting strip is required along a side or rear property line when the side or rear property line abuts a public alley.

C. Screening

1. Screening requirements shall be applicable under the following circumstances:
 - a. Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.
 - b. Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached or two-family dwelling.
 - c. Any other instance where screening is required by this Ordinance.
2. Screening shall comply with the design requirements of the Borough's Subdivision and Land Development Ordinance.
3. Exception - No screening is required along a side or rear property line when the side or rear property line abuts a public alley.

D. Off-Street Parking Areas.

1. Wherever a parking area of over five (5) spaces abuts or is within fifteen (15) feet of the side or rear lot line of a lot in any Residential District, the parking area shall be screened from such adjoining lot by a substantial wall, fence, or thick hedge.
2. Whenever a parking area of over five (5) spaces is located across the street from other land in any Residential District, it shall be screened from the view of such land by a thick hedge, wall, or fence, located along a line

drawn parallel to the street and a distance of twenty (20) feet there from; such screening to be interrupted only at points of ingress and egress.

3. Screening shall comply with the design requirements of the Borough's Subdivision and Land Development Ordinance.

E. Service, Loading and Trash Disposal Areas.

1. All service, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways.
2. These areas shall be totally screened from the above-listed places by the use of fences, walls, berms, evergreen plant material, or a combination of these, not less than six (6) feet in height.

- F. All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot, in accordance with the requirements of the Borough's Subdivision and Land Development Ordinance.

SECTION 610. OUTDOOR STORAGE

- A. Outdoor storage of raw materials and finished products shall be completely screened from view of any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen, or approved safety fence, in accordance with the requirements of Section 609.
- B. No storage shall be permitted within the front yard of any lot.
- C. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed twenty (20) feet in height.
- D. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial, industrial and other nonresidential developments, garbage storage shall be centralized to expedite collection and enclosed on three sides by architectural screen or plantings.

SECTION 611. TEMPORARY STRUCTURES FOR DWELLING PURPOSES

No cabin, mobile home, garage, basement or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any

length of time unless approval for temporary use is granted as a Special Exception by the Zoning Hearing Board.

However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to fourteen (14) days in any calendar year on the property of a friend or relative.

SECTION 612. ACCESSORY USES

Nothing in this Article shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principle permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

SECTION 613. ACCESSORY BUILDINGS AND STRUCTURES

- A. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building.
- B. Detached accessory buildings.
 - 1. Detached accessory buildings shall be located to the rear of the front building line of the principal building and shall conform to the side yard requirements in respect to the principal building.
 - 2. Detached accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots in the required rear yards along the common side lot line or rear lot line.
 - 3. Accessory buildings for principal uses other than residential shall be located not closer than twenty (20) feet to any side or rear property line abutting a residential district or lot used for residential purposes.
 - 4. Detached private garages and carports shall be permitted in any zoning district provided the following requirements are met:
 - a. Maximum capacity - three (3) cars.
 - b. Maximum height - twenty (20) feet. This maximum height can be increased by a Special Exception granted by the Zoning Hearing Board.
 - c. No temporary structures shall be permitted.

- d. No structure shall be permitted between the building setback line and the street right-of-way line.
 - e. No structure shall be located within the minimum side yard of the prevailing district.
 - f. No structure shall be located within ten (10') feet of the rear property line.
5. Other detached accessory buildings. Other accessory buildings shall be permitted in any zoning district provided the following requirements are met:
- a. Minimum distance between buildings - ten (10') feet;
 - b. Maximum height - twenty (20') feet.
 - c. No structure shall be within ten (10') feet of any property line.
 - d. No structure shall be permitted between the building setback line and the street right-of-way.
 - e. Detached accessory buildings for permitted attached and semi-detached dwellings shall be located no closer than five (5) feet from any side lot line formed by a building party wall.
6. Detached accessory buildings in nonresidential districts. In the CONS, W, INS, HC and I Districts, the following additional regulations apply:
- a. An accessory building on that portion of a lot not included in any required yard shall conform to the height regulations for principal buildings.
 - b. Accessory buildings located in a rear yard area shall not exceed twenty (20) feet in height and shall be a minimum of ten (10) feet from the rear property line. This maximum height can be increased by a Special Exception granted by the Zoning Hearing Board.
- C. Flagpoles. Flagpoles are permitted as an accessory use to residential dwellings and nonresidential uses subject to the following:
- 1. Flagpoles shall be limited to thirty (30) feet in height. Zoning permit applications for flagpoles shall include engineering calculations to verify the structural integrity of the base and the capability of the pole to withstand a sustained wind speed of sixty-five (65) miles per hour without any flag(s) attached.

2. The structure shall be setback a minimum of ten (10) feet from all front, side and rear property lines.
3. The height of a flagpole may be increased above the thirty (30) foot height limitation by a Special Exception granted by the Zoning Hearing Board. In addition to the submission and approval of engineering calculations as described in subsection (1) above, flagpoles approved for a height in excess of thirty (30) feet shall be subject to increased setbacks, as follows:
 - a. The minimum required setback shall be equal to ten (10) feet plus a distance at least equal to the additional height of the structure above thirty (30) feet.
 - b. For example, a forty (40) foot high flagpole would require a minimum setback from all property lines of at least twenty (20) feet.

$$10 \text{ feet} + (40 - 30 = 10 \text{ feet}) = 20 \text{ feet}$$

SECTION 614. FENCES, WALLS OR HEDGES

- A. In the R-1, R-2, R-3 and INS Districts, no fence or wall shall exceed four (4) feet in height in any front or side yard or six (6) feet in height in any rear yard. A front fence shall be behind the sidewalk. Fences of wood, metal or masonry may be erected to a height not exceeding eight (8) feet within the side and rear buildable areas of any lot.
- B. In the CONS, W, HC and I Districts, fences may be erected to a height not exceeding eight (8) feet along the side and rear lot lines, with the following exceptions:
 1. No fence shall exceed six (6) feet in height along any side lot line between the front property line and the front setback line, nor across the front of any property in commercial or industrial use forward of the abutting property's front setback line.
 2. Where such lots abut upon property zoned residential, the fences may not exceed six (6) feet in height along lot lines where so abutting without a special exception being granted by the Zoning Hearing Board and, in no case, shall such a special exception permit a fence of greater than eight (8) feet in height.
- C. Fences surrounding tennis courts and other recreational accessory structures (i.e. basketball courts, etc.) may be erected to a height not exceeding ten (10) feet, subject to the further requirements of Section 619.

- D. Except for fences surrounding a tennis court or recreational accessory structure under Section 614 C. above, no fence shall be erected to exceed eight (8) feet anywhere on any lot in the Borough.
- E. Electric fences are prohibited within the Borough limits.
- F. Barbed/razor wire fences are permitted only when required for security at a utility/essential services facility and only upon approval of the Borough Council as a conditional use.
- G. Unless otherwise regulated, hedges may be permitted in any required yard or along the edge of any yard. However, no hedge along the sides or front edge of any front yard shall be over thirty (30) inches in height and shall not obstruct visibility.
- H. Any hedge placed for the purposes of screening shall be set back off the property line.
- I. No fences, walls or hedges shall be located in the clear sight triangle of any street or public roadway.
- J. Common fences or walls between properties may be installed on the property line provided the permit application is accompanied by a written agreement between the affected property owners.

SECTION 615. LANDSCAPING (RETAINING) WALLS

In all zoning districts, walls for landscaping purposes may be erected in required yard setbacks but shall not be located closer than two (2) feet from property lines, street and utility rights-of-way, or in clear sight triangles. Landscaping walls shall only be constructed of masonry or landscape timbers and shall be maintained in good condition. Retaining walls up to four (4) feet in height are permitted by right without the requirement for a zoning permit; however, retaining walls in excess of four (4) feet in height do require a zoning permit.

SECTION 616. PRIVATE OUTDOOR SWIMMING POOLS, SPAS AND WHIRLPOOLS

The word “pool” shall have the same meaning as Swimming Pool, Spa or Whirlpool and shall be classified as an accessory use. No private swimming pool, spa or whirlpool shall be erected or constructed in the Borough except in accordance with a permit therefor previously obtained from the Zoning Officer upon written application accompanied by a plan showing the size, shape, and location of the swimming pool and its enclosure and such other information as may be necessary for the Zoning Officer to determine whether

the pool complies with this Ordinance. Private swimming pools, spas or whirlpools shall be subject to the following conditions:

For the purpose of this section, a private swimming pool, spa or whirlpool shall mean any reasonably permanent pool or open tank not located within a completely enclosed building, whether or not affixed to the land, and containing, or normally capable of containing, water to a depth at any point greater than two (2') feet . Ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction

- A. Such pool may be erected or installed in any required side yard or rear yard, but not in the required front yard.
- B. The pool shall not be located closer to the front of the lot than the front wall of the principal building.
- C. A private swimming pool may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10') feet to any property line of the property on which it is located.
- D. The swimming pool area or the entire property on which it is located shall be so walled or fenced as to prevent uncontrolled access by children and stray animals. Said barrier shall be at least four (4') feet in height, but not in excess of six (6') feet in height, and shall have a self-locking type gate. Pool cages are also permitted.
- E. An approved temporary construction fence shall be erected around the excavation site during the construction of an in-ground pool and shall remain in place until the permanent fence is installed.
- F. Spas and whirlpools may have alternate means other than fences to prevent unauthorized use.
- G. All swimming pools must be properly filtered and treated with approved treatment during the time they are in use according to the manufacturers or installers recommended specifications.
- H. Water shall not be placed into a swimming pool until a Certificate of Use and Occupancy has been issued.
- I. The draining of any pool shall not affect other properties, water or sewerage facilities, or streets.
- J. Open private swimming pools and related bathhouses are considered "structures" for the purpose of this Ordinance and shall be counted as building area in computing the lot coverage.

SECTION 617. ORNAMENTAL PONDS AND WADING POOLS

- A. Such structures shall comply with all residential accessory use setbacks as specified in the governing zoning district;
- B. No such pond or pool shall contain more than 450 cubic feet of water. All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as “Man-made Ponds, Dams and Impoundments” and are subject to the criteria listed in Section 618 of this Ordinance;
- C. No such pond or pool shall have a length or diameter exceeding fifteen feet (15') or a maximum depth exceeding two feet (2');
- D. All such ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects; and,
- E. No such pond(s) shall be used for the commercial hatching of fish or other species;

SECTION 618. MAN-MADE PONDS, DAMS, AND IMPOUNDMENTS

- A. All dams, ponds and impoundments may be permitted in the CONS and W Districts subject to the following:
- B. All dams, ponds and impoundments located along and connected to a stream, that involve any of the following, shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
 - 1. The dam, pond or impoundment contains a volume of at least fifty (50) acre-feet;
 - 2. The dam reaches a height of fifteen feet (15'); or
 - 3. The dam, pond or impoundment shall be used to impound the water from a watershed of at least one hundred (100) acres;
- C. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty feet (50') of a stream shall require the obtainment or waiver of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
- D. All dams, ponds and impoundments shall be located at least seventy-five feet (75') from any subsurface sewage disposal system or well;

- E. All other dams, ponds and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one foot above the water surface elevation occurring during the base flood;
- F. Requirements for Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
- G. Maintenance - All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

SECTION 619. TENNIS COURTS AND OTHER RECREATIONAL ACCESSORY STRUCTURES

No tennis court or other residential recreational accessory structure shall be located within any minimum yard requirement. Tennis courts are also subject to the following:

- A. No facility shall be permitted unless it is protected by an open mesh permanent fence ten (10) feet in height behind each baseline extending ten (10) feet beyond the playing area in each direction.
- B. No facility, including fence, shall be permitted to be located within ten (10) feet of any property line, nor exceed ten (10) feet in height, unless approved by special exception from the Zoning Hearing Board.
- C. No facility, including fence, shall be located closer to the front of the lot than the front wall of the principal building.
- D. If lighting is provided, it shall be arranged so that there is no objectionable glare on adjoining properties.

SECTION 620. HITCHING POSTS

In any residential area, hitching posts may be installed provided that no part of animal or conveyance is permitted to stand on streets or in the public right-of-way. In all other non-agricultural areas, except as provided for elsewhere in this Ordinance, animals and conveyance shall be parked only in properly designated areas or at hitching posts installed for such purpose.

SECTION 621. PHONE BOOTHS, AUTOMATIC BANK TELLER MACHINES AND SIMILAR STRUCTURES

- A. Public phone booths, free standing bank teller machines, and similar structures are be permitted in the R-3 - Main Street Residential; MU - Mixed Use; HC - Highway Commercial and I - Industrial zoning districts.
- B. Such structures shall not interfere with motor vehicle or pedestrian traffic in any manner.
- C. All applicable Federal and State regulations, if any, are observed.

SECTION 622. SATELLITE DISH ANTENNAS

The following types of satellite dish antennas shall be allowed in all districts and shall not require a permit for same, but shall observe setback regulations if applicable.

- A. Dishes that are one (1) meter (39.37 inches) or less in diameter for private TV reception or internet access.
- B. Dishes used for credit card or other business transactions usually placed on rooftops.
- C. The location of all satellite dish antenna must comply with the set back restrictions for the principal use and shall not be located in front of the principal building, unless applicable provisions of the Federal Communications Commission would be violated.
- D. All ground-mounted satellite dish antennas located within the Industrial or Highway Commercial Districts that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the Industrial or Highway Commercial Districts shall comply with all principal use standards;

SECTION 623. PERSONAL HAM/AMATEUR RADIO ANTENNAS AND TOWERS

Such devices are permitted in any zone as an accessory use to a principal residence, provided that freestanding towers are not located within the front yard and that all towers are set back a horizontal distance from each property line at least equal to their height.

SECTION 624. REFUSE COLLECTION (DUMPSTER) STATIONS

Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided. In addition to the requirements of the Borough's Subdivision and Land Development Ordinance, the following shall also apply

- A. All facilities shall be screened or landscaped, and shall be fully enclosed to limit animal access and wind-blown waste.
- B. No required parking areas may be occupied by any refuse collection facility.
- C. No facilities shall be located in any front yard.

SECTION 625. ANIMALS AND ANIMAL SHELTERS

- A. In any zoning district, it is permitted to maintain up to three (3) each of the following over twelve (12) months of age: dogs, cats, rabbits and similar small non-farm animals as domestic pets, provided that it is on a noncommercial basis; the area on which a shelter and/or exercise pen is maintained is suitably enclosed and is located in the rear yard at least ten (10) feet from any lot line.
- B. In any zoning district, it is permitted to maintain pigeons and fowl up to a total of twelve (12) provided it is in the rear yard; it is on a noncommercial basis and is strictly as an incidental use, the area in which the fowl or pigeons are kept is enclosed by a fence that will contain them, all parts of which are at least ten (10) feet from any lot line, and is not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
- C. The keeping of horses shall be permitted by right only in the Low Density Residential (R-1) District, the Medium Density Residential (R-2) District and the Woodland (W) District, subject to the following:
 - 1. A three (3) acre minimum lot area is required
 - 2. The number of such animals shall not exceed the equivalent of one (1) animal unit per acre.
 - 3. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.
 - 4. Such fence or other form of enclosure shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner, unless documentation in the form of a written agreement with the adjoining property owner(s) is provided.

- D. Wild or exotic animals held in captivity shall be permitted only by special exception and only in the W - Woodland District, subject to the following:
1. A three (3) acre minimum lot area is required
 2. The number of such animals shall not exceed the equivalent of one (1) animal unit per acre.
 3. Said animals shall be maintained only within the rear yard area.
 4. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.
 5. Such fence or other form of enclosure shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner, unless documentation in the form of a written agreement with the adjoining property owner(s) is provided.
 6. The total area of all shelters and/or enclosures shall not exceed twenty (20%) percent of the total lot area.
 7. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Pennsylvania Game Commission and other applicable agencies.
- E. The maximum building area occupied by an animal shelter in any zoning district shall not exceed ten (10) percent of the combined building areas occupied by all other principal and accessory buildings on the lot.

SECTION 626. WATER SUPPLY AND SEWERAGE FACILITIES REQUIRED

In the interest of protecting the public health, safety and welfare, every new building or structure hereafter erected upon any premise and used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be connected to both the public water and the public sewer systems.

SECTION 627. NUISANCES PROHIBITED (GENERAL)

No building may be erected, altered, or used, and no lot or premises may be used for any activity that is continuously noxious, injurious, or offensive by reason of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, illumination or similar substances or conditions.

SECTION 628. SLOPE CONTROL REGULATIONS

The areas to be regulated by these controls are shown generally on the Topographic Map which is on file in the Borough Office; however, these controls shall apply to all areas of the Borough where the conditions are applicable to all zoning districts. It is the purpose of these regulations to protect slopes, to limit the amount of the removal of natural resources, protect the watershed areas, and to minimize erosion of the soil.

- A. Upon the receipt of an application for a building permit, the Zoning Officer may require that a registered surveyor or professional engineer prepare a site plan, which shall show the degree of slope.
- B. Slope Controls. If more than fifty (50%) percent of the minimum required lot area is composed of slopes which exceed twenty-five (25%) percent, a minimum lot area of one (1) acre is required for each principal building to be constructed.

SECTION 629. PUBLIC UTILITY CORPORATIONS

The provisions of this 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 other parties and otherwise exercise the rights of a party to the proceedings.

SECTION 630. MOBILE HOMES

Individual mobile homes will be considered single family detached dwellings if they conform with all requirements for single family detached dwellings, and with the following additional criteria:

- A. All mobile homes shall be set upon and securely fastened to a permanent foundation of block or concrete, with concrete footings extending at least thirty six (36) inches below finished grade that will not heave, shift, settle or move due to frost action, inadequate drainage, or other forces acting on the superstructure. In addition to the foregoing, the mobile home foundation will be provided with devices for anchoring the mobile home to the foundation to prevent overturning or uplift of the mobile home. The anchoring device should be in the form of anchor bolts, fastened securely to the base frame of the mobile home and anchored to the concrete footing with adequate anchor plates or hooks.

- B. All wheels, and any removable hitch shall be removed from the mobile home and either removed from the lot or placed within a building.
- C. The construction of all mobile homes shall conform to the requirements of Act No. 69 of the General Assembly of the Commonwealth of Pennsylvania, enacted May 11, 1972 and any other state or federal laws or regulations and no mobile homes shall be modified or improved without strict compliance with this Act and all Other Provisions.
- D. An enclosure of compatible design and materials shall be erected around the entire base of the mobile home. Such enclosures shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

SECTION 631. FORESTRY ACTIVITIES

In accordance with the requirements of Section 603 (f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Borough subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

SECTION 632. FLOODPLAIN REGULATIONS

- A. Declaration of Legislative Intent. In addition to the Purpose and Community Development Objectives found in Article 1 of this Ordinance, the specific intent of this Section shall be to protect areas of floodplain subject to and necessary for the containment of floodwaters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate part of the continuing physical development of the Borough of Adamstown. In advancing these principles and the general purpose of this Ordinance and the Comprehensive Plan, the specific intent of this Section shall be:
 - 1. To combine with present regulations certain restrictions necessary for the control of floodplains for the general health, safety and welfare of the community.
 - 2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
 - 3. To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.

4. To permit certain uses which can appropriately be located in the floodplain without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above or below their location in the floodplain.
5. To protect people and property in the municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Definition and Establishment of the Floodplain Conservation District. The Floodplain Conservation District is defined and established as those areas of the Borough subject to flooding as defined in Subsections 1 and 2 of this Subsection B. The most extensive of those areas described in the following sources shall determine the outermost boundary of the Floodplain Conservation District:

1. The identified floodplain area shall be any areas of Adamstown Borough, Lancaster and Berks Counties, subject to the One Hundred (100) Year Flood, which is identified as Zones A & AE in the Flood Insurance Study (FIS) dated April 19, 2005, and the accompanying maps prepared for Lancaster County by the Federal Emergency Management Agency, or the most recent version thereof.
2. The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as alluvial soils by the U .S .Department of Agriculture, Soil Conservation Service, in maps and data comprising the "Soil Survey, Lancaster County, Pennsylvania," issued October 1959.
3. In low areas delineated as alluvial soils as described in Subsection 2 above, the One Hundred (100) Year Flood elevation shall be determined by using other existing sources of data such as those provided by the U.S. Army Corps of Engineers, the U .S .Geologic survey or the Susquehanna River Basin Commission. When available, information from other Federal, State and other acceptable sources shall be used to also determine a floodway area, if possible. In lieu of this, the Zoning Officer may require the applicant for a permit to determine the One Hundred (100) Year Flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Copies of such study shall be submitted to the Borough Engineer for review.
4. Studies used to establish the Floodplain Conservation District boundaries shall be available for reference in the Borough Office.

- C. Boundary Disputes. Should a dispute concerning any boundary of the Floodplain Conservation District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the landowner. Any changes to the boundaries of the Floodplain Conservation District as defined by the Flood Insurance Study are subject to the review and approval of the Federal Insurance Administration.
- D. Overlay Concept. The Floodplain Conservation District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot or tract of land.
1. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of (1) the Borough Council amending this Ordinance or (2) the Zoning Hearing Board or any court of competent jurisdiction so interpreting the same, the zoning applicable to such tract shall be deemed to be the District in which it is located without consideration of this District.
 2. Should the zoning of any tract or part thereof where the Floodplain Conservation District is located be changed through any legislative or administrative action or judicial decision, such changes shall have no effect on the Floodplain Conservation District unless such change was included as a part of the original application.
- E. Permitted Uses. The following uses and no others are permitted in the Floodplain Conservation District:
1. Agriculture, horticulture and forestry excluding any structures and excluding any grading or filling which would cause any increase in flood heights or frequency if placed within the floodway.
 2. Public and private recreational areas such as parks, swimming areas, play areas, campgrounds, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, bicycle paths and hiking and horseback riding trails, all excluding structures and excluding any grading or filling which would cause any increase in flood heights or frequency if placed within the floodway.
 3. Open space and front, side or rear yards required by other sections of this Ordinance.
- F. Special Exception Uses. The following uses are permitted in the Floodplain Conservation District only when special exceptions are granted by the Zoning Hearing Board as provided for herein:
1. Parking lots, loading areas, driveways and aircraft landing strips and taxiways.

2. Water-oriented uses such as docks, piers, wharves, marinas, boat liveries and boat launching ramps.
3. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations and underground communications facilities shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain;
 - b. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters.
4. Extraction of sand, gravel and other mineral resources, excluding topsoil.

G. Prohibited Uses. The following uses are prohibited in the Floodplain Conservation District:

1. All new and substantial improvements to structures, buildings, and manufactured homes.
2. Sanitary landfills, dumps, junk and salvage yards and outdoor storage of vehicle and/or materials.
3. Damming or relocation of any watercourse, except as provided for in this Section.
4. Any parts of any on-site sewage disposal systems.
5. The storage of buoyant, toxic or hazardous material.
6. Any of the following prohibited activities if located entirely or partially within an identified floodplain area:
 - a. hospitals.
 - b. nursing homes.

- c. jails or prisons.
- 7. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

H. Design and Performance Standards.

1. General.

- a. No permitted use or use allowed by special exception shall be permitted within the floodway if the proposed use or development would cause any increase in the One Hundred (100) Year Flood Elevation.
- b. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Waterways Management Bureau, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit application and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development.

2. Structural.

- a. All authorized new and/or substantially improved residential construction shall have the lowest floor (including basement) elevated to one (1) foot above the One Hundred (100) Year Flood Elevation.
- b. All authorized new and/or substantially improved nonresidential construction and substantial improvements to existing structures shall have the lowest floor (including basement) elevated to one (1) foot above the One Hundred (100) Year Flood Elevation or together with attendant utility and sanitary facilities, floodproofed to that level in accordance with the W-1 or W-2 standards as contained in the publication "Floodproofing Regulations" published by the United States Army Corps of Engineers, June 1972, as amended March 1992, or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

- c. All structures, including buildings, air ducts, large pipes and storage tanks shall be firmly anchored to prevent flotation, movement or collapse.

3. Space Below the Lowest Floor.

- a. Fully enclosed space below the lowest floor (including basement) is prohibited.
- b. Partially enclosed space below the lowest floor shall comply with the regulations of this subsection. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (2) The bottom of all opening shall be no higher than one (1) foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

I. Nonconforming Uses and Structures.

- 1. Continuation. All uses or structures lawfully existing in the Floodplain Conservation District on the effective date of this Section which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures .Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Section.
- 2. Expansion. Nonconforming structures located within the floodway shall not be expanded or enlarged if any increase in the One Hundred (100) Year Flood Elevation would result.

3. Replacement or Repair. A nonconforming structure may be replaced, repaired or reconstructed provided that if the repair or reconstruction is to an extent or amount of fifty (50%) percent or more of its fair market value then the repair or reconstruction shall be in full compliance with the provisions of this Section. Any modification, alteration, reconstruction, or improvement of any kind which meets the definition of repetitive loss shall be undertaken only in full compliance with all provisions of this Ordinance.

J. Application Procedures.

1. Within the Floodplain Conservation District a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvement of uses or structures, including the placement of mobile homes, and activities such as mining, dredging, filling, grading, paving or drilling operations. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Subsection E, an application seeking approval of a Special Exception or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information.
2. Every zoning permit application for development or construction within the Floodplain Conservation District shall include or be accompanied by all information necessary for the Zoning officer to determine that the proposal meets all the provisions of this Section. Included with this submission shall be copies of all necessary State and Federal permits. The following information is specifically required:
 - a. The elevation, in relation to mean sea level, of the lowest floor (including basement).
 - b. Whether or not the structure includes a basement.
 - c. If the structure is to be floodproofed, the elevation relation to mean sea level) to which the structure is to floodproofed.
 - d. If the structure is to be floodproofed, a document certified by a licensed professional engineer or architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of this Section.
 - e. The elevation of the One Hundred (100) Year Flood.
 - f. Site location including address.

- b. Such variance increases risk to life and property.
5. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Insurance Administration.
- L. Municipal Liability. The lawful granting of a permit or making of any other administrative decision under this Section shall not constitute a representation, guarantee, or warranty of any kind by the Borough of Adamstown, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Section. There is also no assurance that lands not included in the Floodplain Conservation District are now or ever will be free from flooding or flood damage.
- M. Definitions. The following specific definitions of words and phrases are intended to supplement the definitions contained in Article 2 of this Ordinance and are intended to be applicable to this Section only:

ACCESSORY USE OR STRUCTURE - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASEMENT - any area of the building having its floor below ground level on all sides.

BUILDING - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FILL - material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FLOOD - a temporary inundation of normally dry land areas.

FLOODPLAIN AREA - a relatively flat or lowland area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water course and/or any area subject to the unusual and rapid accumulation of surface waters.

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - the designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the One Hundred (100) Year magnitude.

HAZARDOUS MATERIAL - materials which have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metalloorganic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

HISTORIC STRUCTURE - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved State program as determined by the Secretary of the Interior or (b) directly by the Secretary of the Interior in States without approved programs.

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Ordinance as being inundated by the One Hundred (100) Year Flood.

LAND DEVELOPMENT - any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basement). An unfinished, flood resistant partially enclosed area used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building; provided, that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME - 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 foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MEAN SEA LEVEL - the average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME - a manufactured home.

NEW CONSTRUCTION - structures for which the start of construction commenced on or after January 16, 1981, and includes any subsequent improvements thereto.

ONE HUNDRED (100) YEAR FLOOD - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

ONE HUNDRED (100) YEAR FLOOD ELEVATION - the water surface elevations of the One Hundred (100) Year Flood.

RECREATIONAL VEHICLE - a vehicle which is (1) built on a single chassis, (2) not more than four hundred (400) square feet, measured at the largest horizontal projections, (3) designed to be self-propelled or permanently towable by a light duty truck and (4) not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION - the One Hundred (100) Year Flood Elevation plus a freeboard safety factor of one and one-half (1½) feet.

REPETITIVE LOSS - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on an average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damages occurred.

SOIL SURVEY - the latest published version of the United States Department of Agriculture's Soil Survey for Lancaster County, Pennsylvania.

SPECIAL PERMIT - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

SUBDIVISION - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UNIFORM CONSTRUCTION CODE (UCC) - the statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the UCC adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable within the Commonwealth to floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

- N. Severability. In the event any section, paragraph, sentence, clause or phrase of this Section be declared invalid or unconstitutional for any reason, the remainder of this Section shall not be affected thereby.

SECTION 633. DEMOLITION OF HISTORIC RESOURCES

- A. No historic resource as defined by this Ordinance shall be demolished or moved from its original foundations without review and approval as a Conditional Use by the Borough Council. As part of the review by Borough Council, the applicant must address each of the following specific criteria:
1. That it is not feasible to continue the current use.
 2. That other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 3. That adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 4. That the building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment.
 5. That the applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration, or similar physical action.
 6. That the demolition will not adversely affect the character of the neighborhood or community.
 7. That any proposed new building(s), structures(s) or use of the property will not adversely affect the character of the neighborhood or community.
 8. That the building is structurally unsound.
- B. No permit for the demolition or moving of an historic feature from its original foundations shall be issued until the Borough Council has reviewed the request and approved the request as a Conditional Use.
- C. Any historic resource that has been approved for demolition shall be photo-documented to provide a permanent historical record of what existed on that property. Photos shall include all exterior elevations and architectural features as well as a sufficient number of interior photos to convey the interior layout of the building. A photo key should also be provided. In addition, the applicant is

encouraged to have the building dismantled and salvaged for reusable building materials and architectural features.

ARTICLE 7

CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

SECTION 701. GENERAL DESCRIPTION.

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, or by Special Exception, or by Conditional Use within the various zoning districts established in this Ordinance. Special exceptions and conditional uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a special exception provided that the applicant complies with the standards for special exceptions set forth in this Article and demonstrates that the proposed special exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Borough Council may grant approval of a conditional use under applicable regulations. The burden of proof shall rest with the applicant. In granting a special exception or conditional use, the Zoning Hearing Board or Borough Council, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

SECTION 702. PROCEDURE.

The procedure for consideration of a special exception or conditional use shall follow the procedure for review and hearings as stated in Article 12 of this Ordinance.

SECTION 703. PLAN REQUIREMENTS.

In addition to any plan informational requirements for a specific land use identified in this Article, a special exception or conditional use application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

- A. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
- B. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- C. Ground floor plans and building elevations of proposed structures.

- D. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

SECTION 704. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND CONDITIONAL USE APPLICATIONS.

In order to receive a Special Exception or Conditional Use approval, the applicant shall establish by credible evidence presented to the Zoning Hearing Board or Borough Council, as applicable, with the application or during the hearings, that:

- A. The proposed use is consistent with the purpose and intent of this Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.
- D. The proposed use does not substantially impair the integrity of the Strategic Comprehensive Plan for the Cocalico Region.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article 8 of this Ordinance.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.
- H. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a special exception or conditional use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.
- O. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.
- P. For development within floodplains, that the application complies with the requirements listed in Article 6.

SECTION 705. CRITERIA FOR SPECIFIC LAND USES.

In addition to those items required by Sections 703 and 704 (if applicable), each of the following land uses contains criteria that shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception, or by the Borough Council, when permitted by Conditional Use.

SECTION 706. BED AND BREAKFAST INNS.

All bed and breakfast establishments as defined in this Ordinance shall be subject to the following additional requirements:

- A. Meals may be offered only to registered guests, and breakfast shall be the only meal which shall be offered.
- B. The bed and breakfast establishment shall comply with all applicable State and Federal regulations, including but not limited to the regulations of the Pennsylvania Department of Labor and Industry.
- C. The person operating the bed and breakfast establishment shall be a resident of the dwelling. Management of a bed and breakfast establishment by a non-resident manager may be approved by the Zoning Hearing Board.

SECTION 707. BILLBOARDS.

Billboards are permitted subject to strict compliance with the following conditions as well as any other applicable requirement.

- A. The panel shall not exceed three hundred (300) square feet in area on one side.
- B. No more than one panel (two sides) shall be permitted on a lot. Panels can not be stacked.
- C. There shall be a minimum of one thousand (1,000) feet between billboards, (except if a billboard is attached to the opposite side of an existing billboard).
- D. No billboards shall be erected less than six hundred (600) feet from existing dwellings.
- E. If lighted, a non-glare lighting fixture designed for outdoor use shall be used.
- F. No billboard shall be more than twenty-five (25) feet high.
- G. All billboards shall be set back a minimum distance of fifty (50) from the street right of way line or any side lot line.
- H. Any applicant for erection of an off-premises billboard must furnish a copy of an agreement with the owner of the property on which the billboard is proposed to be located.
- I. All billboards shall be subject to all other applicable state and federal regulations, including but not limited to the Pennsylvania Beautification Act, as well as other requirements for permits on state highways.

SECTION 708. COMMUNICATIONS ANTENNA MOUNTED ON AN EXISTING STRUCTURE.

Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings, shall be subject to the following criteria:

- A. The applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system.
- B. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission or evidence that no such approval is required.

- C. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
- D. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- E. The owner or operator of the communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- F. The applicant shall submit a plan for the removal of the communications antenna and related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- G. The installation of communications antennas on any historic property will be permitted only when the communications antennas will be installed using stealth technology and will not be visible to persons looking at the historic property. For the purposes of this section only, a historic property is defined as a district, site, building, structure or object that is on or eligible for inclusion on the National Register of Historic Places, is recognized by the Pennsylvania Historical and Museum Commission as being historically significant, or is recognized by the Historic Preservation Trust of Lancaster County as being historically significant . Any lot which contains an historic property shall also be considered an historic property. The applicant shall provide renderings or other diagrams illustrating how the historic property will appear after installation of the communications antenna. Any equipment building or cabinet associated with the communications antenna shall be designed in a manner in keeping with the architecture of the existing structures on the historic property, or all equipment shall be located within an existing structure on the historic property. The applicant shall demonstrate that the installation of the communications antennas and the erection of any communications equipment building complies with all requirements of the National Historic Preservation Act and shall present copies of applicable communications with the State Historic Preservation Office of the Pennsylvania Historical and Museum commission, including but not limited to the letter of determination.
- H. No communications equipment building shall exceed two hundred (200) square feet. If the carrier proposes to use equipment cabinets placed upon a pad, the total area of the pad for all of the equipment cabinets and building shall not exceed two hundred (200) square feet in area.
- I. Building mounted communications antennas shall not be located on any building used for residential purposes.

- J. In addition to the other requirements of this Section, building mounted communications antennas shall not be permitted to exceed the height limitations of the applicable zoning district by more than twenty (20) feet.
- K. Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- L. The applicant shall submit evidence from a Pennsylvania Registered Professional Engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure considering wind and other loads associated with the communications antenna location.
- M. The applicant shall submit detailed construction and elevation drawings indicating how the communications antennas will be mounted on the structure.
- N. The applicant shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications antennas are to be mounted so that installation and maintenance of the communications antennas and communications equipment building can be accomplished.
- O. The applicant proposing communications antennas to be mounted on any existing tower shall completely enclose the tower by an eight (8) foot high non-climbable fence with a self-locking gate.
- P. The communications antennas and related equipment and facilities shall be visually disguised or concealed, and the applicant shall submit testimony on how the communications antennas and related equipment and facilities will be disguised or concealed so that they are not visible from the surrounding area.

SECTION 709. COMMUNICATIONS TOWERS.

Communications towers, including all communications antennas and communications equipment buildings associated with such towers, shall be subject to the following criteria:

- A. The applicant shall demonstrate that the proposed facility meets all requirements of Sections 708 A. through 708 H.
- B. If the communication tower is constructed on an existing structure, the applicant shall demonstrate that the proposed facility meets all requirements of Sections 708 I. through 708 P.

- C. The applicant shall demonstrate by means of engineering testimony and reports that the communication tower and all communication antennas to be installed on the communication tower are the minimum height required to function satisfactorily.
- D. Any communication tower shall be set back from each property line a distance equal to its height unless applicant demonstrates by clear and convincing evidence that there will be no danger to persons or property with a lesser setback, but in no circumstances shall the tower be set back less than one hundred (100) feet from any property line. To demonstrate that there will be no danger to persons or property with a lesser setback, the applicant shall provide expert testimony by a structural engineer concerning the ability of the communication tower to withstand wind, any other adverse conditions and how the communication tower will fall if it should fail structurally. The setback required by this subsection shall also be applicable to guide wire anchors for the communication tower.
- E. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any communication tower onto adjoining properties and/or roads and the wind-borne scattering of ice onto adjoining properties and/or roads. The applicant shall be required to implement construction methods or standards to prevent such occurrences.
- F. All towers shall be completely enclosed by an eight (8) foot high non-climbable fence and self-locking gate. The applicant shall provide landscaping which shall visibly screen the fence. The applicant shall present a plan of the proposed landscaping.
- G. Communication towers shall be sited so as to separate them from adjacent activities and structures located on adjoining lots.
- H. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding properties.

SECTION 710. HOME DAY CARE AND DAY CARE CENTERS.

All home day care (as a home occupation) and day care centers shall be subject to the following regulations:

- A. A pick-up and drop-off area shall be provided which shall provide the children and/or adults with safe access to the dwelling.
- B. For child day care uses, an outdoor play area shall be provided which shall be fenced in order to protect the children.

- C. A valid certification to operate a day care center issued by the Department of Public Welfare shall be obtained and in force, if such certificate is required for operation by the Department of Public Welfare.

SECTION 711. HOME OCCUPATIONS.

All home occupations shall be subject to the following regulations:

- A. No more than two (2) home occupations shall be permitted in any dwelling.
- B. The person conducting a home occupation shall be a resident of the dwelling.
- C. No more than one (1) person not in residence in the dwelling shall be employed in such occupation.
- D. No more than twenty-five (25) percent of the floor area of the dwelling shall be devoted to the home occupation. In computing the floor area of the dwelling, attics and basements that are not finished and are not used for residential or home occupation purposes shall not be included. In determining -the floor area of the home occupation, areas that are used principally for residential purposes but which may also be used in conjunction with the home occupation, such as common hallways, common bathrooms and congregating areas, shall be excluded from the calculation.
- E. No displays or change in the building façade, other than a permitted sign, shall indicate from the exterior that the dwelling is being used for any purpose other than as a dwelling.
- F. The home occupation shall be conducted entirely within the dwelling. No outdoor storage shall be permitted, and no manufacturing, repairing or other activity connected with the home occupation shall be performed outside of the dwelling. The home occupation shall be conducted in such a manner that no noise, odor, vibration or other evidence of the home occupation is perceptible from the street or adjoining properties.
- G. Retail sales shall not be permitted as a home occupation. Retail sales may be permitted in conjunction with a home occupation provided that such retail sales are necessarily related to and an integral part of the home occupation.
- H. All home day care shall also be subject to the requirements of Section 710.

SECTION 712. LOT AVERAGING STANDARDS.

- A. Purpose. It is the purpose of this section to permit a more varied, efficient, and economical development pattern; to foster the protection of critical natural resources, such as streams, groundwater, floodplains, wetlands, steep slopes, woodlands and wildlife habitat areas; and to conserve open space areas within residential subdivisions.

By providing for lot averaging, impervious cover and other improvements may be reduced, resulting in a lesser increase in storm water run-off as well as a reduction in subdivision improvement costs.

By providing for lot averaging, it is the specific goal of the Borough to minimize the potential adverse aesthetic effects of conventional land development as a whole and on neighboring property owners in particular, by encouraging the use of site planning which will reduce the visual impact of development from the vantage point of surrounding properties and nearby public roads.

- B. Eligibility. As a design option, a developer may be allowed to modify the area and bulk regulations for single family detached residential development only, provided the following procedures and conditions are met:

1. Lot averaging shall be permitted in the Low Density Residential (R-1) District and the Medium Density Residential (R-2) District.
2. The tract of land to be subdivided shall be contiguous and shall be held in single and separate ownership.
3. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, due to flooding, erosion or other dangers or inconveniences. Conditions of soil, groundwater, drainage and topography shall be compatible with proposed site design.
4. Site planning, including layout of streets and lots shall be in compliance with the purposes and standards of this Ordinance and of the Borough Subdivision and Land Development Ordinance

- C. Lot Averaging Controls. No lot of such size as to be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in a form acceptable to the Borough and duly recorded in the office of the Recorder of Deeds of Lancaster County.

- D. Area and Bulk Regulations. For developments utilizing the lot averaging design option, the following minimum area and bulk regulations shall apply:

R-1 - Low Density Residential District

	<u>Normal Minimum</u>	<u>If 50% or more of the tract has slopes in excess of 20%</u>
Lot Size	1.0 acre	2 acres
Lot Width	100'	250'
Front Yard	50'	50'
Side Yard	15'	30'
Rear Yard	30'	50'
Lot Coverage (maximum)	20%	10%
Maximum Height ⁽¹⁾	35 feet	

Lot-Averaging Minimum

Lot Size	20,000 sq.ft.	1.0 acre
Lot Width	80'	100'
Front Yard	30'	40'
Side Yard	12'	15'
Rear Yard	20'	25'
Lot Coverage (maximum)	35%	25%
Maximum Height ⁽¹⁾	35 feet	

⁽¹⁾ Except as provided for in Section 604

The overall gross residential density of the tract shall not exceed one (1) dwelling unit per acre, or 0.5 dwelling units per acre for tracts with fifty (50) percent or more of the tract area with slopes of twenty (20) or more.

R-2 - Medium Density Residential District

Normal Minimum

Lot Size	6,000 sq.ft.
Lot Width	60'
Front Yard	25'
Side Yard	10'
Rear Yard	25'
Lot Coverage (maximum)	35%
Maximum Height ⁽¹⁾	35 feet

Lot-Averaging Minimum

Lot Size	4,000 sq.ft.
Lot Width	40'
Front Yard	20'
Side Yard	6'
Rear Yard	20'
Lot Coverage (maximum)	50%
Maximum Height ⁽¹⁾	35 feet

⁽¹⁾ Except as provided for in Section 604

The overall gross residential density of the tract shall not exceed 7.26 dwelling units per acre.

Notwithstanding the minimum lot size required in the base zoning district and the requirements above, if strict compliance with the minimum results in an otherwise unacceptable development design, the Zoning Hearing Board, by variance, may permit a further reduction in the minimum lot size if it will promote the objectives of this Ordinance.

SECTION 713. MOBILE HOME PARKS.

- A. General Description. Mobile homes are becoming an increasingly popular form of housing. However, because of their limited size, relative mobility, and type of construction, this type of housing requires the availability of supporting installations and services to provide the occupants with a healthful, safe, convenient, and attractive residential environment. The following restrictions and regulations are adopted as part of this Ordinance establishing the circumstances and conditions under which mobile home parks may be established.
- B. Location, Area and Height Regulations.
1. Location. Mobile home parks shall only be located in the R-1 Low Density Residential District and only in areas where the undisturbed slope of the land is twelve (12) percent or less.
 2. Minimum Size. The minimum size of a mobile home park for which a building permit or certificate of use and occupancy may be issued shall be five (5) acres.
 3. Density. There shall be a maximum of eight (8) dwelling units per acre.
 4. Setback. The minimum setback from a public road to any mobile home service or accessory building, or off-street parking facility shall conform to the setback(s) prescribed in Article 6 of this Ordinance.
 5. Yard. The minimum allowable distance between any other mobile home park boundary line, and a mobile home, off-street parking facility, service or accessory buildings shall be twenty (20') feet.
 6. Distance between Buildings. Mobile homes shall be separated from each other and service or accessory buildings and the adjoining pavement of a mobile home park street or common parking area by at least twenty (20') feet.

C. Required Mobile Home Space Size and Mobile Home Stand.

1. Mobile Home Space Size. Subject to the area and density regulations, the minimum area of any mobile home space shall be three thousand (3,000) square feet. When off-street parking as required in Article 8 of this Ordinance is provided in common parking areas rather than on the mobile home space, the minimum area shall be 2,500 square feet.
2. Mobile Home Stand. Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation that will not heave, shift, or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile home stand shall be equipped with appropriately designed utility connections. The space between the floor of the mobile home and stand shall be enclosed to conceal all supports and utility connections.

D. Mobile Home Requirements.

1. Minimum Floor Area. All mobile homes located in a mobile home park shall have a minimum of four hundred (400) square feet of floor space.
2. Location of Mobile Homes. All mobile homes located within a mobile home park shall be properly affixed to an approved water, sewer, and electrical outlet.

E. Service and Accessory Buildings.

1. Construction. All service and accessory buildings including management offices, storage areas, laundry buildings, and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites and other destructive elements from causing deterioration.
2. Accessory Buildings. Service and accessory buildings shown on an approved plan may be erected in a mobile home park. Attachments to individual mobile homes in the form of sheds and lean-to's are prohibited.
3. Mobile Home Park Office. Every mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.
4. Storage Space. Occupants of each mobile home park shall be provided with at least one hundred fifty (150) cubic feet of enclosed storage space which shall be provided in a common storage building located in the mobile home park.

5. Use of Service and Accessory Buildings. Service and accessory buildings located in a mobile home park shall be used by the occupants only of the mobile home park or their guests.

F. Water Supply.

1. Approved Source. All mobile home parks shall be connected to a public water supply.
2. Connection Required. All mobile homes and service buildings shall be connected to an approved water supply system. Individual water-riser pipes having an inside diameter of not less than three-fourths (3/4") inch shall be provided on each mobile home stand and shall terminate no less than four (4") inches above the ground .
3. Protection of Lines. Adequate provisions shall be made to protect water service lines from damage including a shut-off valve on each mobile home space below the frost line.
4. Fire Hydrants. Fire hydrants shall be installed in accordance with specifications of the Borough.

G. Sewage Disposal.

1. Approved System. All mobile home parks shall be connected to the public sewerage system.
2. Connection Required. All mobile homes and service buildings shall be connected to an approved sewerage system. Individual sewer-riser pipes having at least a four (4") inch diameter shall be located on each mobile home stand and shall extend at least one (1") inch above ground level. Provision shall be made for sealing the sewer riser pipe with a securely fastened plug or cap when the mobile home site is unoccupied.
3. Protection of System. Adequate provisions shall be made to protect sanitary sewers from storm water infiltration and breakage. All sewer lines shall be constructed of materials approved by the PaDEP or the Borough.

H. Storm Drainage.

1. Surface Drainage. The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner as approved by the Borough Engineer.
2. Drainage Structures. Storm sewers, culverts, and related installations shall be provided to permit the unimpeded flow of natural water courses; to

insure the drainage of all low points along the line of streets; to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

3. Storm Water Kept Separate. Storm water shall be kept separated from sanitary waste until the latter is treated in a manner approved by the PaDEP.

I. Mobile Home Park Streets.

1. Width. All mobile home park streets shall have a right-of-way of fifty (50') feet and a paved width of thirty-four (34') feet.
2. Construction Standards. Pavement base and pavement wearing surface shall be constructed according to the specifications of the Borough.
3. Curbs. Curbs shall be required on both sides of all streets in a mobile home park. Curbs shall be the vertical type; shall be uniform throughout the park; and shall be maintained in their original condition at all times.
4. Clear Sight Triangle. Measured along the center lines of intersecting streets, a clear sight triangle of seventy-five (75') feet from the point of intersections shall be kept free of all obstructions except at the intersection of a mobile home park road with a public road where the clear sight triangle shall be one hundred (100') feet.
5. Grades. There shall be a minimum grade of 0.75 percent and a maximum grade of ten (10%) percent on all mobile home park streets.

J. Off-Street Parking Requirements.

1. Off-street parking spaces shall be provided in all mobile home parks in accordance with the requirements in Article 8 of this Ordinance.
2. One (1) space per dwelling unit shall be provided either on the mobile home site or in common areas within two hundred (200') feet of the mobile home served.

K. Pedestrian Walks.

1. Required. All mobile home parks shall provide pedestrian walks on both sides of the street which allow pedestrian access between individual mobile homes, service and accessory buildings, and public rights-of-way.
2. Width. All pedestrian walks shall have a minimum width of four (4') feet.

3. Construction. All pedestrian walks shall be constructed of hard surfaced material and shall be maintained in their original condition at all times.
 4. Lighting. All pedestrian walks shall be provided with lighting units so spaced, equipped, and installed that will allow safe movement of pedestrians at night.
- L. Ground Cover and Screening.
1. Surface Protection. Ground surfaces in all parts of every park shall be paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
 2. Harmful Vegetation. Park grounds shall be maintained free of vegetative growth which is poisonous, or which may harbor rodents, insects or other pests harmful to man.
 3. Screening. Screening, such as fences or natural growth, shall be provided along the property boundary line separating the mobile home park from adjacent properties.
- M. Electrical Distribution. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications regulating such systems. Each mobile home shall be connected to this electrical distribution system.
- N. Solid Waste and Vector Control. Solid waste disposal and vector control shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the PaDEP regulations.
- O. Permits. A permit to construct or make alterations to a mobile home park shall be issued only after a plan, which has been approved by the PaDEP, has been filed with and approved by the Borough Council. The Council shall require that the standards prescribed in this Section are met prior to its approval.
- P. Submission and Review of Plans. All plans submitted shall contain the following information at a scale of not smaller than one inch equals fifty feet (1"=50').
1. All information required by Rules and Regulations, PaDEP, Chapter 4, Article 415, Regulations of Mobile Home Parks, Section 4, Submission and Review of Plans adopted October 30, 1959, as amended from time to time.
 2. Name of mobile home park.

3. Name of municipality.
4. Date of plan preparation.
5. Graphic scale.
6. Name and address of firm preparing plan.
7. North point.
8. Name and address of owner of record.
9. Site data.
 - a. Number of mobile home spaces.
 - b. Number of acres.
 - c. Zoning district.
 - d. Density per acre.
 - e. Number of off-street parking spaces.
10. Location map.
11. Approximate boundaries of mobile home spaces numbered consecutively.
12. Location and dimension of pedestrian ways.
13. Location of off-street parking spaces.
14. Location of bench mark and datum used.
15. Location of proposed monuments and markers.
16. Location and dimensions of streets with complete curve data on center lines.
17. Clear sight triangle at all street intersections.
18. Typical cross-section of all roads.
19. Street center line profile.
20. Location of all utilities.

21. Location, dimensions, and use of all service and accessory structures.
22. Location and dimensions of all mobile home stands.
23. Location of all plantings and landscaping.
24. Location and type of waste containers.
25. Engineer's or surveyor's certificates with seal that survey and plan are correct.

Q. Inspections and Certificate of Use and Occupancy.

1. Original Issuance. A Certificate of Use and Occupancy for an approved mobile home park shall be issued by the Zoning Officer upon presentation of a Certificate of Registration issued by the PaDEP and after inspection by the Zoning Officer as provided in this Ordinance. A Certificate of Use and Occupancy shall be issued only for that portion of the mobile home park for which all improvements shown on the approved plan have been installed. Additional Certificates of Use and Occupancy shall be issued for each further portion improved and ready for occupancy.
2. Renewal. The Certificate of Use and Occupancy shall be issued for a period of one (1) year and shall expire concurrently and require renewal at the same time as the Certificate of Registration issued by the PaDEP. Renewal of Certificate of Use and Occupancy shall be performed in the same manner as described for issuance of the original Certificate of Use and Occupancy.
3. Periodic Inspection. A representative of Adamstown Borough may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.

SECTION 714. NO-IMPACT HOME-BASED BUSINESSES.

No-Impact Home-Based Businesses are permitted as a use by right in all districts, except that such permission shall not exceed any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

- A. A No-Impact Home-Based Business is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

- B. The business or commercial activity must satisfy the following requirements:
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 8. The business may not involve any illegal activity.

SECTION 715. PLANNED UNIT RESIDENTIAL DEVELOPMENTS.

- A. Planned Unit Residential Developments shall comply with the following standards as well as all other applicable provisions of this Ordinance not in conflict herewith.
- B. The purpose of the following standards and requirements is to permit the clustering of detached, semi-detached, and attached structures on reduced-sized lots and the grouping of the open space made available by this reduction so as to achieve a design that will provide an alternative pattern of subdivision layout to the standard uniform lot pattern which prevails under other sections of this Ordinance. The standards set forth are designed to achieve:
1. A characteristic of design and site planning in which houses are grouped together on a tract of land and each cluster of houses serves as a module which is set off from others like it by an intervening space that helps give visual definition to each individual cluster.

2. The preservation and proper allocation and utilization of unusual and important physical or topographical features of undeveloped land that is held for the common recreational enjoyment of the adjacent residents of the Borough at large.
3. More efficient use of the land of those public facilities required to serve new residential development.

C. Site Standards.

1. The provisions of this Section shall apply only to a tract of land having a minimum of forty (40) acres proposed to be developed for one hundred (100) or more dwelling units and which tract is under single ownership.
2. The site, when developed, shall be connected to the public water and public sewer systems.
3. The site shall have existing street frontage sufficient to construct the necessary interior roads to service such development.

D. Density.

1. The maximum number of residential lots or units that may be created shall be computed by subtracting from the total tract area twenty (20) percent of the area and dividing the remaining area by ten thousand (10,000) square feet for detached dwellings, and three thousand (3,000) square feet for semi-detached and attached dwellings.

- E. Common Open Space. There shall be common open space within any site, or portion thereof, which is submitted for final approval. Such open space shall be usable for recreational or ornamental purposes. This includes parcels of land or water, or a combination of land and water within the site designated for a Planned Unit Residential Development and/or municipality. The use of any open space may be limited or controlled at the time of final plat approval where necessary to protect adjacent properties or uses. At least fifty (50) percent of the area of the Planned Unit Residential Development shall be allocated to and shall remain common open space, exclusive of roads, parking areas, structures, and service lawns.

F. Dimensional Requirements.

1. No detached or semi-detached building shall be located within twenty-five (25) feet of any other building.
2. No attached building shall be located within fifty (50) feet of any other building.

3. No building shall be located within fifty (50) feet of the centerline of any internal street.
4. All internal streets will have a minimum paved cartway of thirty-four (34) feet with curbing and sidewalk provided, unless the Zoning Hearing Board deems the thirty-four (34) foot width, the curbing, or the sidewalk unnecessary.

G. Off-Street Parking and Loading Requirements.

Off-street parking and loading shall be provided for in accordance with Article 8 of this Ordinance.

- H. Commercial areas, not exceeding ten (10) percent of the total area of the Planned Residential Development, will be permitted only in developments that total one hundred (100) acres or more in size.

SECTION 716. SEMI-DETACHED BUILDINGS IN INDUSTRIAL AND HIGHWAY COMMERCIAL DISTRICTS.

The Zoning Hearing Board may allow, as a special exception, the elimination of adjacent side or rear yards on two (2) adjacent lots in Industrial and Highway Commercial Districts provided the following conditions and standards are adhered to.

- A. The owners of the adjacent lots jointly request the elimination.
- B. The buildings to be constructed will be built at the same time and will be physically connected to each other and have uniform facades and roof lines.
- C. No more than one (1) side or rear yard will be eliminated per lot.

SECTION 717. WIND ENERGY CONVERSION SYSTEMS (WECS) AND SOLAR ENERGY UNITS

Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure provided that the perimeter of the unit does not cover twenty-five percent (25%) or more of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone.

ARTICLE 8

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 801. GENERAL INTENT AND APPLICATION.

It is the intent of these requirements that adequate parking and loading facilities be provided off the public roads of Adamstown Borough for each use of land within Adamstown Borough. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 802. DESIGN REQUIREMENTS FOR PARKING FACILITIES.

- A. Size. The size of a parking space for one (1) vehicle shall not be less than one hundred eighty (180) square feet. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred eighty (180) square feet per space shall be used. Only the area actually used for parking, not access or driving lanes, shall be considered. The provisions of this sentence shall not apply to single-family detached, semi-detached, and duplex dwellings.
- B. Access and Egress. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of another vehicle. This requirement also applies to driveways/garages serving residential uses.
- C. Surface. The parking facilities shall be provided with an "all-weather" surface.
- D. Joint Use. The required parking space for two (2) or more uses may be provided in a common parking facility, provided that the number of spaces is not less than the sum of the spaces required for each individual use. However a special exception by the Zoning Hearing Board may be granted to allow a reduction in the number of spaces required for separate uses when the various activities or uses are conducted at substantially different times.
- E. Location. All parking spaces shall be provided on the premises, or in common parking facilities located adjacent to the premises except that after Zoning Hearing Board approval as a special exception, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet from such premises.
 - 1. In the Low Density (R-1) and Medium Density (R-2) Residential Districts, all off-street parking spaces shall be located behind the building line.

2. Except for on-street curbside parking, all new parking in the Main Street (R-3) Residential District shall be located behind buildings and accessed off an existing street or alley, or from an existing curb cut.
 3. In all other districts, off-street parking spaces shall not be located within the area of required landscaping.
- F. In the Main Street (R-3) Residential District, no new surface or multi-level vehicle parking facilities shall be permitted in a location that will require, result in or result from the demolition of a principal building 50 years of age or older or portions thereof unless:
1. The building to be demolished does not contribute to the historic character and/or streetscape of the block; or
 2. There is no reasonable economic reuse of the existing building.

SECTION 803. MINIMUM PARKING REQUIREMENTS.

- A. Dwelling. Two (2) for each dwelling unit.
- B. Bed and Breakfast Inn. One (1) off-street parking space for each guest room in addition to the parking required for the residential use of the dwelling.
- C. Hotel, Motel, or Tourist Home. One (1) space for each rental unit.
- D. Home Occupation. A minimum of two (2) off-street parking spaces in addition to the parking required for the residential use. Home day care uses – one (1) off-street parking space for each non-resident employee.
- E. Theater, Auditorium, Church, Stadium, Membership Club, Lodge Hall, Funeral Home, and Similar Places of Public or Private Assembly. One (1) space for each five (5) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes.
- F. Commercial Business Establishment Other than Those Specifically Specified in this Section. Sufficient space, as approved by the Zoning Officer, to accommodate the vehicles of all persons to be employed on the premises and to have business thereon. In no case shall there be less than one (1) space for every three hundred (300) square feet of floor area other than warehouse or storage space.
- G. Nursing Home, Convalescent Home or Home for the Aged. One (1) space for each five (5) beds in the home plus one (1) space for each two (2) employees.

- H. Medical Clinic or Doctor's Office. Four (4) spaces for every doctor engaged in practice at the clinic or office.
- I. Restaurant or Tavern. One (1) space for every four (4) seats of planned capacity.
- J. Manufacturing or Industrial Establishment. One (1) space for each two (2) employees, computed on the maximum number of employees at any one time on the premises.
- K. All Structures and Uses Not Specifically Mentioned Above. Sufficient space, as approved by the Zoning Officer, shall be provided to accommodate the vehicles of all persons regularly to be employed, to have business on, or to reside on the premises.

SECTION 804. HANDICAPPED PARKING.

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, as may be amended from time to time.

SECTION 805. OFF-STREET LOADING REQUIREMENTS.

Adequate off-street loading and unloading space, as approved by the Zoning Officer, shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves large volume receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as to not interfere with the free movement of vehicles and pedestrians over a public road.

SECTION 806. PARKING AND STORAGE OF VEHICLES.

Automotive vehicles or trailers of any kind or type without current required licensed plates and current inspection stickers shall not be parked or stored on any property within the Borough, unless the same are kept in a completely enclosed accessory building. The requirement of this section shall not be applicable to implements and other vehicles not normally used as conveyance on the public highway.

SECTION 807. APPROVAL OF PARKING AND LOADING PLANS.

If not required as part of a subdivision or land development plan submission, detailed, scaled drawings of off-street parking and loading areas (except for single and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their

construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Ordinance.

SECTION 808. PARKING AREA RESERVATION.

All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind on residential dwelling lots in residential districts. The parking of one (1) commercial vehicle up to one (1) ton is permitted if needed by an individual for his livelihood for a business not conducted on the premises; or one (1) vehicular dwelling is permitted for storage purposes only and is not to be used for sleeping, recreational or living purposes at any time or in any way, shape, or form.

ARTICLE 9

SIGN REGULATIONS

SECTION 901. APPLICABILITY

Signs may be erected or altered only in conformance with the standards, procedures, exemptions and other requirements of this Article and any and all other ordinances and regulations relating to signs and similar devices. Sign permits will be required for the erection or alteration of all permanent signs unless otherwise indicated in this Article.

SECTION 902. SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE.

The following signs shall be exempt from regulation under this Ordinance:

- A. Signs necessary for the direction, regulation and control of traffic; street name signs; warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body.
- B. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
- C. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the property on which such sign is located;
- D. Holiday lights and decorations with no commercial message; and
- E. Traffic control signs on private property, such as "Stop," "Yield" and similar signs, the face of which meet Penn DOT standards and which contain no commercial message of any sort.

SECTION 903. SIGNS ALLOWED WITH AND WITHOUT PERMITS.

The following types of signs shall be allowed in the Borough without a permit.

- A. Signs owned and associated with uses operated by the Borough. Signs necessary for the direction, regulation and control of traffic; street name signs; signs for parks and Borough buildings; legal notices; warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body.

- B. Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.
- C. Property control signs (e.g., “No Trespassing,” “Private Property,” “No Hunting or Fishing,” “Posted,” “Private Drive,” or similar type signs).
- D. On-site directional, entrance, exit, rest room, and other informational signs.
- E. Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.
- F. Temporary real estate sale, sold, for rent, or for auction signs when placed upon the property (unit) to be rented or sold.
- G. Temporary political signs.
- H. Temporary special event signs for businesses, churches and non-profit organizations (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, festivals, bazaars, etc.).
- I. Temporary directional off-premise signs for open houses, auctions, or similar events being held in the Borough.
- J. Temporary signs for governmental activities and/or sponsored events.

All other types of signs shall require a sign permit.

SECTION 904. PERMITS REQUIRED

- A. If a sign requiring a permit under the provisions of this Article is to be placed, constructed, erected or modified on a property, the owner of the property shall secure a sign permit in accordance with the requirements of this Section.
- B. Applications. All applications for sign permits shall be submitted to the Borough on an application form or in accordance with application specifications published by the Borough.
- C. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign. One application and permit may include multiple signs on the same premises.

- D. Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by Borough Council from time to time by resolution.
- E. The owner of any property containing signs requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such property.

SECTION 905. USE, LOCATION AND SIZE REGULATIONS

The following types of signs and no others shall be permitted to be erected or maintained.

- A. Identification, informational or directional signs erected or required by governmental bodies.
- B. On-premises signs advertising the sale or rental of the premises may be erected and maintained, provided that:
 - 1. The area of one side of any sign shall not exceed ten (10) square feet in any district.
 - 2. Such signs shall be removed within fourteen (14) days after the property is sold or rented.
- C. Signs indicating the location and direction of premises available for or in the process of development and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided that:
 - 1. The area on one (1) side of any such sign shall not exceed twenty (20) square feet.
 - 2. Not more than two (2) such signs shall be erected on each five hundred (500) feet of street frontage.
- D. Signs of mechanics and artisans during the period such persons are performing work, provided that:
 - 1. Such signs shall be erected only on the premises where such work is being performed.
 - 2. The area on one (1) side of any such sign shall not exceed twenty (20) square feet.
 - 3. Not more than one (1) such sign may be erected on each street frontage.
 - 4. Such signs shall be removed promptly upon completion of work.

- E. Signs for public recreation areas, schools, colleges, churches, hospitals, or other similar public institutions or uses may be erected and maintained, provided that:
 - 1. The area on one (1) side of any such sign shall not exceed twenty (20) square feet.
 - 2. Not more than two (2) such signs may be erected on each street frontage.
- F. Signs prohibiting or otherwise controlling trespassing upon particular premises, or indicating the private nature of a road, driveway, or premises, or otherwise controlling the use of the property, may be erected and maintained, provided that the area on one (1) side of any such sign shall not exceed six (6) square feet.
- G. Signs indicating the name of a particular civic, social or fraternal organization, home for the aged, nursing home or convalescent home, farm or estate may be erected and maintained, provided that:
 - 1. The area on one (1) side of any such sign shall not exceed twenty (20) square feet.
 - 2. Any such sign shall be located on the same lot as the organization, home for the aged, nursing home, farm or estate.
 - 3. Not more than one (1) such sign may be erected on each street frontage.
- H. Name or address signs and home occupation signs may be erected and maintained in any residential district, provided that:
 - 1. The area on one (1) side of any such sign shall not exceed two (2) square feet.
 - 2. No more than one (1) sign shall be permitted per premises.
 - 3. Any home occupation sign shall be erected only on the premises where the home occupation exists.
- I. Business or industrial signs may be erected and maintained, provided that:
 - 1. The area on one (1) side of any freestanding sign shall not exceed eighty (80) square feet in the Highway Commercial, Industrial or Mixed Use Districts and three (3) square feet in any other District.
 - 2. Not more than one (1) freestanding sign shall be erected on each street frontage.

3. In Highway Commercial, Industrial or Mixed Use Districts, the area of any sign attached to a building shall not exceed fifteen (15) percent of the wall area on which the sign is placed.
 4. In other than Highway Commercial, Industrial or Mixed Use districts, the area of any wall sign, suspended sign or projecting sign attached to a building shall not exceed ten (10) percent of the wall area on which the sign is placed or three (3) square feet, whichever is less.
 5. The sign placed on any building or lot shall be related to the business conducted on such premises.
- J. Off-premises signs may be erected and maintained provided that:
1. Off-premises signs are only permitted in the Highway Commercial (HC) District.
 2. Any off-premises sign shall be separated by a minimum of one hundred (100) feet from any other off-premises sign located on the same side of the street.
 3. Only one (1) off-premises sign per business shall be permitted on each side of PA Route 272.
 4. No off-premises sign or sign face shall be attached in any way to any other off-premises sign.
 5. No off-premises sign shall be located within one hundred fifty (150) feet of an existing dwelling or residentially zoned land.
 6. No off-premises sign shall exceed twenty (20) square feet in size.
 7. Any applicant for erection of an off-premises sign must furnish a copy of an agreement with the owner of the property on which the off-premises sign is proposed to be located.
 8. Billboards, as defined in this Ordinance, shall comply with the requirements of Section 707 of this Ordinance.
- K. Temporary off-premises directional signs indicating real estate for sale or rent, real estate open houses, public sales and auctions, or similar events shall be permitted provided that:
1. Signs advertising a specific event shall not be placed more than thirty (30) days prior to the date of the event.

2. All such signs shall be removed within seven (7) days after the sale or rental of the property or the date of the event, as appropriate.
- L. Temporary signs advertising a sale or event sponsored by a civic or religious group may be erected and maintained, provided that such signs shall not be displayed in excess of one (1) month and shall be removed promptly after the event.
- M. Election signs may be erected and maintained, provided that:
1. Such signs shall not be displayed in excess of sixty (60) days prior to the election and shall be removed within seven (7) days after the election.
 2. Signs that are not removed within the time limits may be removed and discarded by the Borough.
- N. Signs Not Provided For. Any type of sign not specifically provided for in this Article may be approved by the Zoning Hearing Board as a Special Exception. Any such sign shall be generally consistent in size and height with other signs permitted in the zoning district in which it is located

SECTION 906. GENERAL SIGN REGULATIONS

The following regulations shall apply to all permitted sign uses:

- A. No sign shall be placed in such a position that it will cause danger to vehicular and pedestrian traffic on a street by obscuring the view.
- B. No sign or sign-bearing structure other than official traffic signs and public utility signs necessary for the operation, identification, or protection of public utility facilities shall be erected within or extend into the right-of-way of a public road.
1. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- C. The following signs shall not be permitted, erected or maintained in any district, notwithstanding anything else contained in this Ordinance or elsewhere:
1. Signs which incorporate in any manner any flashing, moving, or changing illumination or sign faces or with illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of

normal wind currents, except when not visible from motor vehicles traveling on public roadways. Electronic screen signs, using technologies such as (but not limited to) LCD or LED screens, are prohibited within clear sight of public roadways, except when used as necessary traffic control devices by either Adamstown Borough or the Pennsylvania Department of Transportation under the guidelines of the Manual on Uniform Traffic Control Devices (most recent edition). However, signs displaying only weather and time information shall not be prohibited under this section.

- D. No part of any sign shall be more than thirty-five (35') feet in height or more than the maximum height limitation for buildings within the zoning district, whichever limit is less. The sign shall be setback from all street rights-of-way and property lines a distance equal to or greater than the height of the sign.
- E. In addition to the above requirements of this Article, every sign referred to in this Article shall be constructed of durable materials and must be kept in good condition and repair.
 - 1. All signs shall comply with applicable provisions of any building and electrical codes as adopted by the Borough.
 - 2. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- F. Illumination. Any illuminated sign or lighting device shall employ only lights emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights or contain any other moving element, except to show time and/or temperature. In no event shall an illuminated sign or lighting device be so placed or so directed as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- G. Utility Pole Placement. All signs shall adhere to Act 360 of the State of Pennsylvania which controls the placing of signs on utility poles.

SECTION 907. NON-CONFORMING SIGNS

Any sign which lawfully existed and was maintained at the effective date of this Zoning Ordinance may be continued, provided such sign is constructed of durable material and is maintained in good condition and repair.

SECTION 908. GENERAL SIGN REGULATIONS PERTAINING TO ADULT ENTERTAINMENT ESTABLISHMENTS

No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street any sign or signs, photographic, pictorial, or other graphic representation, that depict in whole or in part the following:

- A. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- B. Scene wherein a person displays the vulva or the anus or other genitals.
- C. Scene wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs, or graphic representatives described above.
- D. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

ARTICLE 10

NONCONFORMITIES – LOTS, USES AND STRUCTURES

SECTION 1001. INTENT

Within any zoning district established by this Ordinance or subsequent amendment thereto there exists:

- A. Lots,
- B. Structures,
- C. Uses of Land,
- D. Uses of structures or land and structures in combination, or
- E. Characteristics of use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance that non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavations or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 1002. NONCONFORMING LOTS OF RECORD

Any nonconforming lot of record held in single and separate ownership on the date of enactment of this Ordinance or any amendment thereto which rendered such lot nonconforming and continuously held in single and separate ownership thereafter may be developed for any use permitted in the district in which the nonconforming lot is located, provided that such development complies with all setback, coverage, bulk, height and other requirements.

SECTION 1003. NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

Where lawful use of land exists at the time of the passage of this Ordinance or as a result of a subsequent amendment, which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no principal structure, the use may be continued, provided that:

- A. No such nonconforming use of land, which is ceased, removed, discontinued or abandoned for a period of one (1) year, shall thereafter be reestablished. This cessation, discontinuance or abandonment time limit may be extended by an additional one (1) year time period where contracts or agreements are being negotiated, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Officer issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity.
- B. No principal structures shall be erected in connection with such nonconforming use of land.
- C. Expansion of nonconforming uses shall be limited to a maximum aggregate enlargement of 50% of the area of land so used, as compared to the land in nonconforming uses at the date of adoption of this Ordinance. Contiguous land owned at the effective date of this Ordinance may be used for expansion of the nonconforming use. However, for purposes of this Ordinance, approved streets or road rights-of-way define the limit of expansion of any nonconforming use of land, and such uses shall not extend across said streets or road rights-of-way.

SECTION 1004. DIMENSIONALLY NONCONFORMING STRUCTURES

A lawful structure existing at the effective date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, that could not otherwise be built due to restrictions on lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, may remain, subject to the following provisions:

- A. A dimensionally nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity, but a structure or portion thereof may be altered to decrease its nonconformity.
- B. A dimensionally nonconforming structure or portion thereof may be extended along established, existing building lines provided:
 - 1. The extension meets all other applicable yard, lot coverage and height regulations; and
 - 2. Extension or enlargement along the nonconforming setback shall be limited to a maximum 100% increase of the area of land covered by the portion of structure which is in a nonconforming status. Extension or enlargement in a conforming manner shall not be subject to the 100% limitation. Any extension or enlargement shall be regulated by other applicable yard, lot coverage and height restrictions.
- C. A dimensionally nonconforming structure which has been damaged or destroyed to any extent by fire, explosion, accident or calamity may be repaired or reconstructed provided:
 - 1. The rebuilt structure is unchanged in its original size or location, or is less nonconforming than the original structure; and
 - 2. Repair or reconstruction is commenced within one (1) year from the date of damage or destruction. This time limit may be extended by an additional one (1) year time period where contracts or agreements are being negotiated, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Officer issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity. Failure to repair or reconstruct within one (1) year or within any approved time extensions thereof shall result in loss of nonconforming rights and any successive structure shall conform with all applicable Ordinance requirements.
- D. A dimensionally nonconforming structure which has been demolished or destroyed to any extent by deterioration or removal shall not be reconstructed or structurally replaced, except that:
 - 1. Any conforming portion of the dimensionally nonconforming structure may be reconstructed or replaced; and
 - 2. Repairs and maintenance shall be permitted to maintain the dimensionally nonconforming structure in a safe condition. However:
 - a. Restoration and repairs shall be limited to protective exterior improvements; and

- b. A maximum aggregate of 50% of the structural or weight bearing components of the nonconforming structure may be replaced, during structural alterations, so that repairs and maintenance do not actually involve replacement of the old structure with a new one over any period of time.

E. Should a dimensionally nonconforming structure be moved for any reason then:

- 1. Relocation on part of the same land area previously covered by the structure shall equal or decrease the nonconformity; or
- 2. Relocation to a previously unoccupied area shall conform to all applicable Ordinance requirements.

SECTION 1005. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving principal structures or land and structures in combination exists at the effective date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, the use may be continued so long as it remains otherwise lawful, subject to the following:

- A. Abandonment of a nonconforming use of a structure (or land and structure in combination) shall remove the nonconforming status of the structure (or land and structure in combination) so that the nonconforming use may not thereafter be reestablished. Furthermore, use of the structure (or land and structure in combination) shall thereafter conform with the regulations for the zoning district in which it is located. Abandonment shall be deemed to have occurred when the nonconforming uses is ceased, removed or discontinued for a period of one (1) calendar year. However, this cessation, discontinuance or abandonment time limit may be supplemented by an additional one (1) year time period while the property is being marketed, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Officer issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity.
- B. Extension or enlargement of (1) the structure containing the nonconforming use or (2) the area of land used for storage, display or sales of products or materials in combination with the nonconforming uses, shall be subject to the following:
 - 1. Expansion of the nonconforming use shall be limited to a maximum aggregate enlargement of 50% of the area of land so uses at the date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, subject to the requirements that:

- a. The structure containing the nonconforming use may be enlarged to cover 50% additional land area; and
 - b. Expansion may include only the same number of stories existing on the structure at the date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming. Additional stories shall not be permitted; and
 - c. The area of land used for storage, display or sales of products or materials in combination with the nonconforming use may be enlarged to cover 50% additional land area; and
 - d. Contiguous land may be used for the maximum 50% expansion, provided the land so used was owned at the date of adoption of this Ordinance, or at the date of subsequent amendment that makes it nonconforming, and expansion does not extend across any street or road right-of-way.
- C. The Zoning Hearing Board may, by special exception, permit the substitution of one nonconforming use for an existing nonconforming use in accordance with the following criteria and limitations:
- 1. The use proposed to be substituted shall not be more detrimental to the other uses in the zoning district than the existing nonconforming use.
 - 2. The proposed use to be substituted shall not generate more traffic than the existing nonconforming use.
 - 3. The propose use to be substituted, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
 - 4. The proposed use to be substituted shall not generate higher levels of noise, smoke, glare or other potential nuisance conditions or safety hazards beyond the boundaries of the property than the existing nonconforming use.
 - 5. The proposed use to be substituted shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.
 - 6. The existing nonconforming use shall be completely abandoned.
- D. Where the nonconformity applies to the use of structure (or land and structure in combination), removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purposes of this subsection, is defined as damage to an extent of more than ninety (90) percent of the replacement cost at the time of destruction.

- E. Where the nonconformity applies to the use of structure (or land and structure in combination), if the structure (or land and structure in combination) has been damaged or destroyed to any extent by fire, explosion, accident or calamity, it may be repaired or reconstructed provided:
1. The rebuilt structure is unchanged in its original size or location, or is less nonconforming than the original structure; and
 2. Repair or reconstruction is commenced within one (1) year from the date of damage or destruction. This time limit may be extended by an additional one (1) year time period where contracts or agreements are being negotiated, provided (1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and (2) the Zoning Officer issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity. Failure to repair or reconstruct within one (1) year or within any approved time extensions thereof shall result in loss of nonconforming rights and any successive structure shall conform with all applicable Ordinance requirements.

SECTION 1006. REPAIRS AND MAINTENANCE

Nothing in this Ordinance shall be deemed to prevent any repairs of maintenance of a non-conforming building or structure.

SECTION 1007. USES UNDER SPECIAL EXCEPTION OR CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any existing use that is permitted as a Special Exception or Conditional Use in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use. However, expansion, enlargement or change to that existing use shall be subject to the same criteria specified for Special Exception or Conditional Use approval within the district and administrative sections of this Ordinance.

SECTION 1008. NONCONFORMING USES, ACTIVITIES, CONSTRUCTION AND OTHER DEVELOPMENT IN FLOODPLAINS

In addition to the requirements of this Article, all nonconforming uses, activities, construction, and other development occurring within delineated floodplains shall also comply with the applicable requirements of Article 6 of this Ordinance and other Borough ordinances and regulations.

ARTICLE 11

ADMINISTRATION AND ENFORCEMENT ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 1101. ADMINISTRATION AND ENFORCEMENT.

A Zoning Officer designated by the Borough Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Borough Council may direct. The Zoning Officer shall not hold any elective office in the municipality. The Zoning Officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

If this Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alteration, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 1102. ZONING PERMITS REQUIRED.

A landowner, tenant and/or contractor shall obtain a zoning permit from the Zoning Officer for activities falling within any of the following categories:

- A. The erection, construction, demolition, alteration, extension, replacement, relocation, or conversion of any building or structure or any activity to prepare the site for the erection, construction, demolition, alteration, extension, replacement, relocation or conversion of any building or structure.
- B. The change in the use of a building, structure, sign and/or land, including activities to prepare the site for a change in use.
- C. Any non-agricultural grading, blasting, excavating, cutting or filling which causes disturbance of the following areas: (a) activities resulting in an aggregate disturbance of more than 1,000 square feet of area with existing undisturbed slopes between zero (0) percent and five (5) percent; or (b) activities resulting in an aggregate disturbance of more than 500 square feet with existing undisturbed

slopes between five (5) percent and fifteen (15) percent; or (iii) activities resulting in the disturbance of any land with existing slopes over fifteen (15) percent; or (iv) activities disturbing existing slopes over five (5) percent which are within twenty-five (25) feet of any property line, right-of-way or structure on an adjoining lot.

No zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure, or otherwise violate the provisions of this Ordinance or any other applicable Borough or County ordinance or applicable statute or regulation. This provision shall not alter the requirement for zoning permits in the Floodplain District.

SECTION 1103. APPLICATION FOR A ZONING PERMIT.

- A. The applicant for a zoning permit shall submit an application on forms provided by the Borough. The application may be made by the owner or lessee of the property or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the application shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work.
- B. The application for a zoning permit shall include (a) a description of the proposed work and/or use and occupancy of the building, structure and/or land as well as any other information required by the application form or the Zoning Officer to determine compliance with this Ordinance and other applicable Borough, County, state and federal ordinances, statutes and regulations; (b) plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, and other pertinent information; and (c) the application fee. The application shall not be considered complete without the fee established by the Borough Council by ordinance or resolution. The applicant shall also submit all necessary information to demonstrate:
1. Approval and recording of any necessary subdivision and/or land development plan, if applicable.
 2. Submission to and approval by the Lancaster County Conservation District of a sedimentation and erosion control plan where earth disturbance activities are proposed.
 3. Issuance of a permit to install or modify an on-lot sewage disposal system or issuance of a permit by the provider of public sewer service, as applicable.
 4. Issuance of a permit to connect to public water supply, if applicable.

5. Issuance of any permits required for the relocation or alteration of any existing public utility line or other facility.
- C. Approval or Disapproval of Application. Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Ordinance and other applicable Borough and County ordinances, statutes and regulations. The Zoning Officer shall determine if subdivision and/or land development approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. If the application is approved, the Zoning Officer shall forward the approved application to the Borough Code Official. The Zoning Officer shall disapprove a permit application which does not comply with all applicable statutes, regulations, and County and Borough ordinances. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reason for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board, and return it to the applicant.
- D. Issuance and Posting of Permits. Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a zoning permit place card which shall be visibly posted on the site of operations during the entire time of construction. The zoning permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not to exceed a total of one (1) year.
- E. Rights of Permit Holders. The zoning permit shall be a license to proceed with work described on the approved application. A zoning permit shall not be deemed to supersede or annul any restrictions on the use or development of the property imposed by deed restrictions, restrictive covenants, or other private agreements. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the zoning permit as authorized by the Municipalities Planning Code or to take action to enforce deed restrictions, restrictive covenants, or private agreements as authorized by law.
- F. Revocation of Zoning Permit. The Zoning Officer shall revoke a zoning permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit or approval was issued in error, or if the work is not undertaken in accordance with terms of the permit or approval, or for any other proper cause.

SECTION 1104. CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NON-CONFORMING USES.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of zoning compliance has been issued by the Zoning Officer stating that the proposed use of the building or land conforms to this Ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Zoning Officer. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance. Upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall apply for certificates of zoning compliance. Such certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

The Zoning Officer may, and if requested by the permit holder, shall make at least one (1) inspection during the progress of the work and before issuance of the Certificate of Use and Occupancy to assure that all provisions of this Ordinance and all other ordinances of Adamstown Borough have been complied with.

The Zoning Officer shall maintain a record of all certificates of zoning compliance and a copy shall be furnished upon request of any person. Failure to obtain a certificate of zoning compliance shall be in violation of this Ordinance and punishable under Article 13 of this Ordinance.

SECTION 1105. TEMPORARY USE PERMITS.

It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:

- A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zoning district, or
- B. Contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved.

Then the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the zoning officer to issue a permit for a period of time, as designated by the Zoning Hearing Board. In no case shall the temporary use be permitted to continue beyond the minimum time necessary to alleviate the applicant's hardship.

SECTION 1106. CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE.

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Article 13 hereof.

ARTICLE 12

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEDURES

SECTION 1201. ZONING HEARING BOARD CREATION AND APPOINTMENTS.

- A. Terms of Office. Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Borough Council does hereby create a Zoning Hearing Board. The membership of the Board shall consist of three (3) residents of the municipality appointed by the Borough Council. The terms of office of the three member board shall be three (3) years and shall be so fixed that the term of office of one (1) of the members shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Vacancies shall be filled by resolution of the Borough Council and shall be only for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality.
- B. Alternate Members. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated in accordance with Section 1202 pursuant to the provisions of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1203 unless designated as a voting alternate member of the Zoning Hearing Board pursuant to Section 1202 of this Ordinance.
- C. Removal of Members. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council, taken after the member has received fifteen (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.

SECTION 1202. ORGANIZATION OF THE ZONING HEARING BOARD.

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority

of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action of the Board as provided in Section 1204 of this Ordinance.

- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

SECTION 1203. EXPENDITURES FOR SERVICES.

Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Alternate members of the Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 1202, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Borough Council.

SECTION 1204. HEARINGS OF THE ZONING HEARING BOARD.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the provisions of the MPC.

SECTION 1205. JURISDICTION.

- A. Zoning Hearing Board's Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

- B. Borough Council' Jurisdiction. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

SECTION 1206. ZONING HEARING BOARD'S FUNCTIONS – VARIANCES.

The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a Variance, provided that all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a Variance is therefore necessary to enable the reasonable use of the property;
- C. That such unnecessary hardship has not been created by the appellant;
- D. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- E. That the Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue.

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 the Zoning Ordinance and the Municipalities Planning Code.

SECTION 1207. ZONING HEARING BOARD'S FUNCTIONS - SPECIAL EXCEPTIONS.

The Zoning Hearing Board shall hear and decide requests for Special Exceptions in accordance with the standards and criteria set forth in this Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and

safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and of the Pa. Municipalities Planning Code.

SECTION 1208. BOROUGH COUNCIL'S FUNCTIONS - CONDITIONAL USES.

The Borough Council shall hear and decide petitions for Conditional Uses specifically authorized in this Ordinance. Decisions to grant or deny the petition shall be subject to the following:

A. General Criteria

1. The proposed use shall be consistent with the purpose and intent of the Ordinance and shall be a use specifically permitted as a Conditional Use;
2. The proposed use shall comply with those criteria specifically listed in Article 7 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of the Ordinance.
3. Conditional Use applications for uses in the MU – Mixed Use District shall also be subject to the requirements of Section 506 D. of this Ordinance.

B. Conditional Use Application. A Conditional Use application must include all the plan requirements listed in Section 703 of this Ordinance.

C. Conditions. The Borough Council in approving Conditional Use applications may attach reasonable conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

D. Hearing Procedures.

Hearings shall be conducted in accordance with the requirements of the MPC.

SECTION 1209. EXPIRATION OR REVOCATION OF A ZONING HEARING BOARD OR BOROUGH COUNCIL DECISION.

- A. The granting or approval of a Special Exception or Variance by the Zoning Hearing Board, or a Conditional Use by the Borough Council shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board, or the Borough Council in the case of a Conditional Use, shall require reapplication to the Board (or to the

Borough Council in the case of a Conditional Use.). If a Special Exception, Variance or Conditional Use is granted, the necessary permit shall be secured within one (1) year after the date when such approval is finally granted; provided that, if the necessary permit is not secured within the aforesaid time period due to reasons beyond the applicant's control (such as ongoing appeals), failure of governmental bodies other than the Borough to issue permits which are a condition precedent to the issuance of the permit, or the failure of the Borough or its agencies to proceed diligently and in good faith in the consideration of the permit application, the one (1) year period shall not apply. The Board, or the Borough Council in the case of a Conditional Use, upon written application for and reasonable cause shown, may extend the approval for an additional period of one (1) year. If the Special Exception, Variance or Conditional Use has not been implemented within the required time period, including approved extensions thereof, from the date of the Zoning Hearing Board (or the Borough Council in the case of a Conditional Use) approval, said approval shall expire and become null and void.

- B. The Zoning Hearing Board may revoke approval of a Variance or Special Exception, and the Borough Council may revoke approval of a Conditional Use where:
1. The petitioner repeatedly violates conditions or safeguards specified in the Zoning Hearing Board's (Borough Council') decision, or
 2. The petitioner initiates use or construction contrary to the Zoning Hearing Board's (Borough Council') decision, or
 3. The petitioner is found to have misrepresented or falsified information pertinent to the Zoning Hearing Board's (Borough Council') decision, or
 4. The Zoning Hearing Board's (Borough Council') decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.
- C. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board's (Borough Council') decision shall be deemed a Violation of this Ordinance, punishable under Article 13 of this Ordinance. Revocation of the Zoning Hearing Board's (Borough Council') approval shall not preclude the Zoning Officer from instituting civil enforcement procedures or the Borough from proceeding in a court of law or equity to prevent or remedy violations of this Ordinance.

SECTION 1210. PARTIES APPELLANT BEFORE ZONING HEARING BOARD OR BOROUGH COUNCIL.

Appeals may be filed in accordance with the procedures defined in the MPC.

ARTICLE 13

VIOLATIONS AND REMEDIES

SECTION 1301. ENFORCEMENT NOTICE.

A. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, the Zoning Officer shall initiate enforcement proceedings in accordance with the procedures defined in the MPC.

SECTION 1302. RIGHT OF ENTRY.

The Zoning Officer or other authorized Borough representative is authorized to enter any structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Zoning Officer or other authorized Borough representative is authorized to pursue recourse as provided by law.

ARTICLE 14
AMENDMENTS

SECTION 1401. POWER OF AMENDMENT.

The Borough Council may, from time to time, amend, supplement, change, modify or repeal this Ordinance or any part of this Ordinance, including the Zoning Map. When doing so, the Borough Council shall proceed in the manner prescribed in this Article.

SECTION 1402. ENACTMENT OF ZONING ORDINANCE AMENDMENTS.

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Borough Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Submission Dates. Proposals for amendment, supplement, change or modification to this Ordinance, including the Zoning Map, will be accepted for review and recommendation by the Planning Commission. The regularly scheduled meetings of the Planning Commission are hereby established as the meetings at which such aforementioned proposals shall be considered. All proposals for amendment, supplement, change or modification to this Ordinance shall be submitted to the Borough Secretary for referral to the Planning Commission not later than fourteen (14) days prior to the regularly scheduled meetings of the Planning Commission.
- B. Proposals Originated by the Borough Council. the Borough Council may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.
- C. Proposals Originated by the Planning Commission. The Planning Commission may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.
- D. Proposals Originated by Citizen Petition. Owners of property in the Borough may by petition submit proposals for amendment, supplement, change, modification or repeal of this Ordinance.
 - 1. A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. Said fee shall be in accordance with a fee schedule adopted by resolution of the Borough Council from time to time.
 - 2. On receipt of said petition and the requisite fee the Zoning Officer shall transmit a copy of the petition to the Planning Commission.

All proposals for amendment shall conform to the requirements of the MPC.

ARTICLE 15

LEGAL PROVISIONS

SECTION 1501. REPEALS AND CONTINUATION OF PRIOR REGULATIONS.

Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Borough, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of Council that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All zoning ordinances or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning ordinance or regulation. In the event any violation has occurred under any prior zoning regulation or ordinance of Adamstown Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

SECTION 1502. VALIDITY AND SEVERANCE.

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in the zoning ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the zoning ordinance as a whole, or any other article, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the zoning ordinance. The Borough Council hereby declares that they would have adopted the zoning ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

SECTION 1503. EFFECTIVE DATE.

This Ordinance shall become effective upon enactment.

Ordained and enacted into law this 4th day of Aug, 2009.

BOROUGH OF ADAMSTOWN
Lancaster and Berks Counties, Pennsylvania

Attest: Mary L. Burkholder
(Assistant) Secretary

By: [Signature]
(Vice) President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 4th day of Aug, 2009.

[Signature]
Mayor