

## Chapter 255

### ZONING

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[HISTORY: Adopted by the Borough Council of the Borough of Bonneauville 4-17-2007 by Ord. No. 97.<sup>1</sup> Amendments noted where applicable.]

1. Editor's Note: This ordinance also repealed original Ch. 27, Zoning, adopted 8-16-1977 by Ord. No. 46, as amended.

## GENERAL REFERENCES

Numbering of buildings — See Ch. 66.

Open burning — See Ch. 70.

Construction codes — See Ch. 80.

Floodplain management — See Ch. 106.

Open space — See Ch. 146.

Rental property — See Ch. 171.

Stormwater management — See Ch. 204.

Subdivision and land development — See Ch. 220.

## ARTICLE I

**General Provisions; Administration****§ 255-1. Scope.**

This is a new ordinance:

- A. Dividing Bonneauville Borough, Adams County, Pennsylvania into districts with varying regulations;
- B. Permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied;
- C. Establishing the maximum density and intensity of uses;
- D. Providing for the administration and enforcement of this chapter in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board;
- E. Establishing provisions for the protection of certain natural features.

**§ 255-2. Short title.**

This chapter shall be known and be cited as the "Bonneauville Borough Zoning Ordinance" of 2007.

**§ 255-3. Severability.**

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this chapter and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Bonneauville Borough Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be reinstated as the Zoning Ordinance for Bonneauville Borough.

**§ 255-4. Procedural defects in enactment.**

Allegations that this chapter or any amendment was enacted in a procedurally defective manner shall be appealed as provided in state law and be filed not later than 30 days after the intended effective date of the ordinance or amendment.

**§ 255-5. Repealer.**

The preexisting Bonneauville Borough Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Borough ordinances or resolutions or parts thereof that were adopted prior to this chapter that are clearly in direct conflict with this chapter.

**§ 255-6. When effective.**

Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of Bonneauville Borough hereby enacts and ordains into an ordinance the attached document this date of April 17, 2007. This chapter shall become effective in five calendar days.

**§ 255-7. Applicability.**

This Zoning chapter shall apply throughout Bonneauville Borough. Any activity regulated by this chapter shall only occur in such a way that conforms with the regulations of this chapter. See § 255-9A.

**§ 255-8. Purpose; community development objectives.**

This chapter is hereby adopted:

- A. In accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended.
- B. In accordance with goals and objectives of the Mount Pleasant Township - Bonneauville Borough Comprehensive Plan, which are hereby included by reference. That Joint Comprehensive Plan was developed with assistance by the County Office of Planning and Development, with a state grant, and is intended to coordinate land uses across municipal borders, including allowing various land uses to be located in the most logical municipality as opposed to being allowed in both municipalities.
- C. To carry out the following major objectives:
  - (1) To make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land;
  - (2) To avoid overextending groundwater supplies, and to encourage groundwater recharge, and to protect the quality of groundwater and surface waters;
  - (3) To promote traditional styles of development;

- (4) To promote compatibility between land uses;
- (5) To seek coordinated development and roads across municipal borders;
- (6) To provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types;
- (7) To direct higher-density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services;
- (8) To coordinate development with future central water and sewage service areas;
- (9) To direct industrial development to locations that will minimize conflicts with homes;
- (10) To direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes;
- (11) To promote new business development in appropriate areas that will provide additional tax revenue and job opportunities; and
- (12) To promote public health, safety and general welfare.

**§ 255-9. Permits and certificates.**

A. Applicability.

- (1) Any of the following activities or any other activity regulated by this chapter shall only be carried out in conformity with this chapter:
  - (a) Erection, construction, movement, placement or extension of a structure, building or sign;
  - (b) Change of the type of use or expansion of the use of a structure or area of land;
  - (c) Creation of a lot or alteration of lot lines; and/or
  - (d) Creation of a new use.
- (2) Zoning permit. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable Borough staff.
  - (a) A zoning permit is required to be issued prior to the start of any of the following activities:
    - [1] Erection, construction, movement, placement, relocation or expansion of a structure, building or sign;

- [2] Change of the type of use or expansion of the use of a structure or area of land;
  - [3] Creation of a new use;
  - [4] Demolition of a building, or partial demolition of the exterior of a building;
  - [5] Site alterations or mineral extraction as defined by § 255-26;
  - [6] Excavation or grading in preparation for the construction of a building or a change in use of a property; and/or
  - [7] Construction or installation of any animal waste impoundment, lake, pond, dam or other water retention basin.
- (b) The Borough may, at its option, issue combined or separate building permits and zoning permits and/or may utilize a single or separate applications for the permits.
- (3) Certificate of occupancy.
- (a) It shall be unlawful to use and/or occupy any new principal building or establish any new or replacement principal nonresidential use until a certificate of use and occupancy for such building or use has been issued by the Borough staff. (NOTE: A certificate of occupancy may also be required in additional situations under the Construction Code, which is a separate ordinance.<sup>2</sup>)
  - (b) The Borough staff may permit the zoning permit application to serve as the application for the certificate of use and occupancy.
  - (c) The certificate of occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this chapter, to the best knowledge of the Zoning Officer. The Borough may also withhold issuance of the certificate until there is compliance with other Borough ordinances.
  - (d) The applicant shall keep a copy of the certificate of occupancy available for inspection.
  - (e) Upon the request of an applicant, the Zoning Officer may issue a temporary certificate of occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the permit has been completed.
- [1] However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.

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2. Editor's Note: See Ch. 80, Construction Codes.

- [2] The temporary certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified.
  - [3] Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this chapter.
  - [4] The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
  - [5] See also Subsection G.
- B. Repairs and maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this chapter. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a construction permit under any Borough building code may be needed for such work.)
- C. Types of uses.
- (1) Permitted by right uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is "permitted by right" if it meets all of the requirements of this chapter.
  - (2) Special exception use or application requiring a variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
  - (3) Conditional use. A use requiring zoning approval by the Borough Council under § 255-23.
- D. Applications.
- (1) Submittal. All applications for a zoning permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff person.
  - (2) Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
    - (a) Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
    - (b) Notes showing the dimensions of all buildings from lot lines and street rights-of-way;
    - (c) Locations of any watercourses and any one-hundred-year floodplain;

- (d) Proposed lot areas, lot widths and other applicable dimensional requirements;
  - (e) Locations and widths of existing and proposed sidewalks;
  - (f) A north arrow and scale; and
  - (g) Well and primary and alternate septic system locations, if applicable. See § 255-35.
- (3) Additional information. Any application under this chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this chapter:
- (a) The address of the lot;
  - (b) Name and address of the applicant, and of the owner of the property if different from the applicant;
  - (c) If the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application;
  - (d) A current deed for the property;
  - (e) A description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this chapter;
  - (f) All other applicable information listed on the official Borough application form;
  - (g) If the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation;
  - (h) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter; and
  - (i) A listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.
- (4) Submittals to the board. In addition to the information listed in Subsection D(3) above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this chapter:
- (a) The present zoning district and major applicable lot requirements;
  - (b) For a nonresidential use:
    - [1] A description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding

noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards;

- [2] A list of the maximum hours of operation;
  - (c) The existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management;
  - (d) A listing of any sections of this chapter being appealed, with the reasons for any appeal;
  - (e) Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drugstore" or "single-family detached dwelling");
  - (f) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting;
  - (g) Name and address of person who prepared the site plan;
  - (h) Signed acknowledgment of the application by the applicant; and
  - (i) Such additional information required under applicable sections of this chapter.
- (5) Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in § 255-26.)

E. Issuance of permits.

- (1) At least one copy of each permit application and any other zoning approval shall be retained in Borough files.
- (2) PennDOT permit. Where necessary for access onto a state road, a Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

F. Revocation of permits; appeal of permit or approval.

- (1) Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
  - (a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (NOTE: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.);
  - (b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;

- (c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application; and/or
  - (d) For any other just cause set forth in this chapter.
- (2) Appeals. A party with legitimate standing, or as otherwise provided by state law, may appeal decisions under this chapter within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code. (As of the adoption date of this chapter, such provisions were in Sections 914.1 and 1002-A.<sup>3</sup>)
- G. Zoning permit for temporary uses and structures.
- (1) A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
    - (a) A temporary permit may be issued for customary, routine and accessory short-term special events, provided that:
      - [1] Only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;
      - [2] Such total events shall be limited to a maximum of 10 total days per calendar year; and
      - [3] The applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
    - (b) A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Borough permit.
    - (c) In addition, Christmas tree sales shall be allowed by right in all districts during the months of November and December.
  - (2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a seven-day maximum period shall apply. A temporary permit may be renewed for just cause.
  - (3) Temporary retail sales. Except as provided for in Subsection G(1)(a) above, and except for agricultural sales allowed by § 255-32, a lot shall only be used for temporary retail sales if all of the following conditions are met:

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3. Editor's Note: See 53 P.S. §§ 10914.1 and 11002-A.

- (a) The property shall be located within a zoning district that allows retail sales.
  - (b) The operator shall have received any business permits required by the Borough.
  - (c) No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
  - (d) Any signs visible from a public street shall comply with this chapter.
  - (e) If food or beverages are sold that are not prepackaged, the applicant shall prove compliance with state health regulations, including having on-site facilities for workers to wash their hands.
  - (f) Any structure shall meet applicable minimum setbacks.
  - (g) A permit under this chapter shall be required from the Borough, which shall be displayed while the activity is open for business.
  - (h) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
  - (i) Applicable state highway occupancy permit requirements shall be met.
- H. Compliance with Borough Subdivision and Land Development Ordinance. If a application under this chapter would also be regulated by the Borough Subdivision and Land Development Ordinance ("SALDO"), Chapter 220, then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "land development" and "subdivision" in Chapter 220, Subdivision and Land Development.
- (1) For example, if an applicant applies for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

**§ 255-10. Permit procedure.**

- A. After receiving a proper application, the Zoning Officer shall either:
- (1) Issue the applicable permit(s); or
  - (2) Deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this chapter has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-day appeal period shall be at the risk of the applicant.

**§ 255-11. Interpretation and uses not regulated.**

- A. Minimum requirements. Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this chapter are in addition to any other applicable Borough ordinance.
- B. Uses not specifically regulated. If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this chapter within any Zoning District, the use is prohibited, except that the Borough Council may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Borough Council that all of the following conditions would be met:
- (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the district;
  - (2) The proposed use would be closely similar in impacts and character to uses permitted in that district, considering the standards in § 255-68F;
  - (3) The use would meet the standards that would apply under § 255-23 to a conditional use; and
  - (4) The use is not specifically prohibited in that district.
- C. Interpretation of ordinance text and boundaries.
- (1) The Zoning Officer shall literally apply the wording of this chapter and the location of all district boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor to aid in the Zoning Officer's determination.
  - (2) If an applicant disagrees with the Zoning Officer's determination and believes that the ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See § 255-17.
  - (3) See § 255-30.
- D. Undefined terms/interpretation of definitions. See § 255-27.

**§ 255-12. Enforcement; violations and penalties.**

All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this chapter by reference. (NOTE: As of the adoption date of this chapter, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.<sup>4</sup>)

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this chapter:

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4. Editor's Note: See 53 P.S. §§ 10616.1, 10617 and 10617.2, respectively.

- (1) Failure to secure a zoning permit prior to any of the following: a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
  - (2) Placement of false statements on or omitting relevant information from an application for a zoning permit;
  - (3) Undertaking any action in a manner which does not comply with a zoning permit;
  - (4) Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
  - (5) Violation of any condition imposed by a decision of the Borough Council in granting a conditional use or other approval; or
  - (6) Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- B. Enforcement notice. If the Borough has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code.<sup>5</sup> Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- C. Time limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this chapter, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- D. Causes of action; enforcement remedies. The causes of action and enforcement remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (NOTE: As of the adoption date of this chapter, such provisions were in Section 617 of such law.<sup>6</sup>)
- (1) Violations and penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be

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5. Editor's Note: See 53 P.S. § 10616.1.

6. Editor's Note: See 53 P.S. § 10617.

deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Borough for the general use of the Borough. Imprisonment is not authorized under this chapter.

- (2) Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
- E. Enforcement evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

#### § 255-13. Fees.

A Borough fee schedule for permits and applications may be established and amended by written resolution of the Borough Council. No application or appeal shall be considered filed until all fees are paid.

#### § 255-14. Amendments

Within the requirements of the State Municipalities Planning Code, the Borough Council may amend, or repeal any or all portions of this chapter on:

- A. Its own motion; or
- B. After agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

#### § 255-15. Curative amendments.

The applicable provisions of the State Municipalities Planning Code shall apply. (NOTE: As of the adoption date of this chapter, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.<sup>7</sup>)

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7. Editor's Note: See 53 P.S. §§ 10609.1, 10609.2 and 10916.1, respectively.

**§ 255-16. Zoning Officer.**

- A. Appointment. The Zoning Officer(s) shall be appointed by the Borough Council. The Borough Council may designate other Borough staff persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.
- B. Duties and powers. The Zoning Officer's duties and powers shall include the following:
- (1) Administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this chapter, and issue or refuse permits within the provisions of this chapter;
  - (2) Conduct inspections to determine compliance, and receive complaints of violation of this chapter;
  - (3) Keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
  - (4) Review proposed subdivisions and land developments for compliance with this chapter;
  - (5) Take enforcement actions as provided by the State Municipalities Planning Code, as amended;
  - (6) Maintain available records concerning nonconformities, provided that the Borough is not required to document every nonconformity; and
  - (7) Serve such other functions as are provided in this chapter.

**§ 255-17. Zoning Hearing Board actions and variances.**

- A. Membership of Board. The Zoning Hearing Board shall consist of three residents of the Borough appointed by the Borough Council. The existing terms of office shall continue, with terms of office being three years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough and shall not be employed by the Borough in another capacity.
- (1) Alternate members. The Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (NOTE: As of the adoption date of this chapter, such provisions were in Section 903(b) of such Act.)\*
  - (2) Expenditures. Within the maximum amount of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members

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8. Editor's Note: See 53 P.S. § 10903(b).

may receive compensation, within limits established by the Borough Council, for the performance of their duties.

- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (As of the adoption date of this chapter, these provisions were in Sections 906(a), (b) and (c) of such Act.<sup>9</sup>)
- D. Zoning Hearing Board jurisdiction and functions. The Zoning Hearing Board shall be responsible for the following:
- (1) Appeal of a decision by the Zoning Officer.
    - (a) The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this chapter.
    - (b) See time limitations for appeals in Subsection F.
  - (2) Challenge to the validity of the ordinance or map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (NOTE: As of the adoption date of this chapter, these provisions were primarily in Sections 909.1 and 916 of such Act.<sup>10</sup>)
  - (3) Variance.
    - (a) The Board shall hear requests for variances filed with the Borough staff in writing.
    - (b) Standards. The Board may grant a variance only within the limitations of state law. (NOTE: As of the adoption date of this chapter, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
      - [1] There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;
      - [2] Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;

9. Editor's Note: See 53 P.S. § 10906(a), (b) and (c).

10. Editor's Note: See 53 P.S. §§ 10909.1 and 10916.

- [3] Such unnecessary hardship has not been created by the appellant;
  - [4] 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
  - [5] The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)
- (c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- (4) Special exception.
    - (a) The Board shall hear and decide requests for all special exceptions filed with the Borough staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See § 255-23.
    - (b) Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes and intent of this chapter.
  - (5) Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
    - (a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
    - (b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
    - (c) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

- (6) The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (NOTE: As of the adoption date of this chapter, such provisions were primarily within Section 909.1 of such law.<sup>11</sup>)
- E. Time limits for appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (NOTE: As of the adoption date of this chapter, these provisions were in Section 914.1 of such Act.<sup>12</sup>)
- F. Stay of proceedings. The stay of proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (NOTE: As of the adoption date of this chapter, such provisions were in Section 915.1 of such Act.<sup>13</sup>)
- G. Time limits on permits and approvals.
- (1) After a variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within 12 months after the issuance of the permits.
- (a) However, if a variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within six months after the variance is approved, with no further time extension.
- (2) Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 24 months after permits are issued.
- (3) If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this chapter and all such approvals, variances and permits shall be deemed automatically rescinded by the Borough.
- H. Multiple applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

#### **§ 255-18. Zoning Hearing Board hearings and decisions.**

The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

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11. Editor's Note: See 53 P.S. § 10909.1.

12. Editor's Note: See 53 P.S. § 10914.1.

13. Editor's Note: See 53 P.S. § 10915.1.

- A. Notice of hearings. Notice of all hearings of the Board shall be given as follows:
- (1) Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code.<sup>14</sup> The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
  - (2) Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Borough staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
  - (3) Persons given notice. The Borough shall provide written notice to the applicant of the time and place of the hearing. The Borough should also provide notice to the Chairperson of the Borough Council and to the primary last known owner of each lot that is abutting or immediately across the street from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.
- B. Initiation of hearings. A hearing required under this chapter shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- C. Decision/findings.
- (1) The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
  - (2) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
  - (3) References shall be provided to the most pertinent section(s) of this chapter and/or the State Municipalities Planning Code.
- D. Notice of decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (NOTE: As of the adoption date of this chapter, such provisions were within Sections 908(9) and 908(10) of such Act,<sup>15</sup> including provisions regarding notice to other parties.)
- E. See also Section 908 of the Pennsylvania Municipalities Planning Code.<sup>16</sup>

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14. Editor's Note: See 53 P.S. § 10107.

15. Editor's Note: See 53 P.S. § 10908(9) and (10).

16. Editor's Note: See 53 P.S. § 10908.

**§ 255-19. Appeals to court.**

The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (NOTE: As of the adoption date of this chapter, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.<sup>17</sup>)

**§ 255-20. Limited public utility exemptions.**

See the provisions of the State Municipalities Planning Code, as amended. (NOTE: As of the adoption date of this chapter, such provisions were within Section 619 of such Act.<sup>18</sup>)

**§ 255-21. Borough and municipal authority exemption.**

This Zoning Ordinance shall not apply to uses or structures owned by Bonneauville Borough or by a municipal authority created solely by Bonneauville Borough for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

**§ 255-22. Special exception use process.**

- A. Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special exception procedure.
- (1) A site plan shall be submitted which shall contain the information required in § 255-9D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
  - (2) The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this chapter.
  - (3) The Zoning Hearing Board shall follow the procedures provided in § 255-18.
  - (4) The Borough staff should offer a special exception application to the Borough Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of state law for a decision, regardless of whether the Borough Planning Commission has provided comments.
  - (5) Time limits. See Section 908 of the State Municipalities Planning Code.<sup>19</sup>
- C. Consideration of special exception applications. When special exceptions are allowed by this chapter, the Zoning Hearing Board shall hear and decide requests for such special

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17. Editor's Note: See 53 P.S. §§ 11001-A, 11002-A, 11003-A, 11004-A, 11005-A, and 11006-A, respectively

18. Editor's Note: See 53 P.S. § 10619.

19. Editor's Note: See 53 P.S. § 10908.

exceptions in accordance with standards established by this chapter, including the following:

- (1) Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
  - (2) Compliance with other laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable Borough, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Borough prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
  - (3) Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
  - (4) Site planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.
  - (5) Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
  - (6) Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
  - (7) Natural features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.
- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this chapter.

**§ 255-23. Conditional use process.**

- A. Purpose. The conditional use approval process is designed to allow the Borough Council to review and approve certain uses that could have significant impacts upon the community and the environment.

- B. Procedure. The Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.
- (1) Submittal. A site plan shall be submitted, which shall contain the information listed in § 255-9D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
  - (2) Reviews.
    - (a) The Zoning Officer should provide a review to the Board regarding the compliance of the application with this chapter.
    - (b) The Borough staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Borough Council shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
  - (3) The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article III.
  - (4) Time limit. See Section 913.2 of the State Municipalities Planning Code.<sup>20</sup>
- C. Consideration of conditional use application. The Borough Council shall determine whether the proposed conditional use would meet the applicable requirements of this chapter. The same standards shall apply to a conditional use as are listed in § 255-22C for a special exception use.
- D. Conditions. In approving conditional use applications, the Borough Council may attach conditions they consider necessary to protect the public welfare and meet the standards of this chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter.

#### § 255-24. Liability.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes, or any other review, approval or permit under this chapter by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create

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20. Editor's Note: See 53 P.S. § 10913.2.

no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

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

## ARTICLE II Word Usage

### § 255-25. General interpretation.

For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. If a word or term is not defined by this chapter, but is defined in the Subdivision and Land Development Ordinance (SALDO), Chapter 220, then the definition in the SALDO shall also apply to this Zoning Ordinance. If a word or term is not defined in this chapter or the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
- G. The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

### § 255-26. Definitions.

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

ABUT or ABUTTING — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

ACCESSORY APARTMENT — One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

ACCESSORY STRUCTURE (includes "accessory building") — A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "accessory building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

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

ADJACENT — Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADULT BOOKSTORE — A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under state law. If such items are within a separate room, then the 10% standard shall apply to the floor area of such room.

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 to three or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

ADULT MOVIE THEATER — A use involving the on-site presentation to three or more persons at one time of moving images distinguished by an emphasis on depiction of specified sexual activities and that is related to monetary compensation paid by the persons viewing such matter.

ADULT USE — This term shall mean adult bookstore, adult movie theater, adult live entertainment facility/use or massage parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

AFTER-HOURS CLUB — A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AMUSEMENT ARCADE — A use involving 15 or more token- or coin-operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an adult use.

ANIMAL CEMETERY — A place used for the burial of the remains of five or more noncremated animals, other than customary burial of farm animals as accessory to a livestock use.

ANTENNA — An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including, without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include standard antenna.

ANTENNA HEIGHT — The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA, STANDARD — A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens' band radio signals. See also "commercial communications antenna."

APARTMENT — See "dwelling types."

APPLICANT — The definition in the State Municipalities Planning Code, as amended, shall apply.

ASSISTED-LIVING FACILITY — Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted-living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES — This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in § 255-38.

AUTO REPAIR GARAGE — An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. This use shall not include activity meeting the definition of a "truck stop." See requirements in § 255-38.

**AUTO SERVICE STATION** — An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of prepackaged propane. This use may include a convenience store, provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in § 255-38.

**BASEMENT** — An enclosed level of a building that is not a story and that is partly underground.

**BED-AND-BREAKFAST INN** — A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in § 255-38 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in § 255-38.

**BETTING USE** — A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate state lottery sales or lawful small games of chance.

**BILLBOARD** — A type of off-premises sign. See Article VII.

**BOARDING HOUSE (includes "rooming house")** — A residential use in which: room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation; or a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and-breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five or more consecutive days.

**BOROUGH** — Bonneauville Borough, Adams County, Pennsylvania.

**BUFFERYARD** — A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A bufferyard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a bufferyard requirement. See § 255-66.

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

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

**BUILDING COVERAGE** — The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, "building coverage" shall include all buildings that are under a roof.

**BUILDING HEIGHT** — The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

**BUILDING, PRINCIPAL** — A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**BUILDING WIDTH** — The horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

**BULK RECYCLING CENTER** — A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of nonrecycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

**CAMP** — An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5%. This term shall not include a recreational vehicle campground.

**CAMPGROUND** — A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

**CAMPGROUND, RECREATIONAL VEHICLE** — A type of campground that involves persons temporarily living within recreational vehicles.

**CEMETERY** — A place used for the burial of two or more noncremated humans.

**CHRISTMAS TREE FARM or TREE FARM** — A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

**CHURCH** — See "place of worship."

**CLEAR CUTTING** — A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

**COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA** — A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antennas. See standards in § 255-38. This term shall not include a standard antenna.

- A. **LATTICE TOWER** — A commercial communications tower that is guyed or self-supporting with an open steel-frame structure.
- B. **MONOPOLE TOWER** — A commercial communications tower that involves a single shaft as its structural support.

**COMMERCIAL DISTRICT** — The V and C Zoning Districts.

**COMMERCIAL USE** — This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making nonindustrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

**COMMUNITY CENTER** — A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a treatment center.

**COMPREHENSIVE PLAN** — The Bonneauville Borough - Mount Pleasant Township Comprehensive Plan, as may be amended.

**CONDITIONAL USE** — A use listed as a conditional use under § 255-32, which is only allowed after review by the Borough Planning Commission and approval by the Board of Supervisors, under § 255-23.

**CONDOMINIUM** — A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.<sup>21</sup>

**CONSERVATION EASEMENT** — A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

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21. Editor's Note: See 68 Pa. C.S.A. § 3101 et seq. and 68 Pa.C.S.A. § 5101 et seq., respectively.

**CONTIGUOUS LOTS** — Adjacent parcels of land, including parcels separated by a stream or road.

**CONVENIENCE STORE** — A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an auto service station.

**CRAFTS OR ARTISAN'S STUDIO** — A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

**CROP FARMING** — The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "livestock, raising of."

**CURATIVE AMENDMENT** — A process provided in the State Municipalities Planning Code that authorizes certain types of challenges to a zoning ordinance.

**DAY-CARE CENTER, ADULT** — A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

**DAY CARE, CHILD** — A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school or Head Start programs. See also the definition of "adult day-care center."

- A. The following three types of day care are permitted without regulation by this chapter: care of children by their own relatives; care of children within a place of worship during regularly scheduled religious services; and care of one to three children within any dwelling unit, in addition to children who are relatives of the care giver.
- B. **FAMILY DAY-CARE HOME (OR "CHILD DAY CARE AS AN ACCESSORY USE")** — A type of day care use that: is accessory to and occurs within a dwelling unit; and provides care for four to six children at one time who are not relatives of the primary care giver. See § 255-39.
- C. **GROUP DAY-CARE HOME** — A type of day care use that: provides care for between seven and 12 children at one time who are not relatives of the primary care giver; provides care within a dwelling unit; and is registered with the applicable state agency. (NOTE: As of the adoption date of this chapter, such agency was the PA Department of Public Welfare.)

D. CHILD DAY-CARE CENTER — A type of day care use that: provides care for seven or more children at any one time who are not relatives of the primary care giver; does not occur within a dwelling unit; does not meet the definition of a group day-care home; and is registered with the applicable state agency. (NOTE: As of the adoption date of this chapter, such agency was the Pa. Department of Public Welfare.) See § 255-38.

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

DEP — The Pennsylvania Department of Environmental Protection and its relevant bureaus.

DISTRICT (or ZONING DISTRICT) — A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this chapter.

DORMITORY — A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

DRIVE-THROUGH SERVICE — An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

DWELLING — A building used as nontransient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a sectional home.

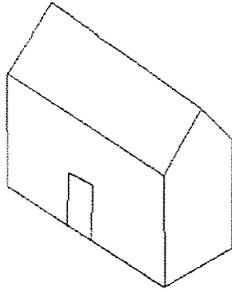
DWELLING TYPES — This chapter categorizes dwellings into the following types:

- A. CONVERSION APARTMENT — A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of § 255-64.
- B. DUPLEX — A building that includes two apartment dwellings and which is not a twin dwelling.
- C. APARTMENTS or MULTIFAMILY DWELLINGS — Two or more dwelling units within a building that do not meet the definition of a single-family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a duplex.
- D. SECTIONAL OR "MODULAR" HOME — A type of dwelling that meets a definition of single-family detached dwelling, single-family semidetached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. SINGLE-FAMILY DETACHED DWELLING — One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
  - (1) MOBILE/MANUFACTURED HOME — A type of single-family detached dwelling that meets all of the following requirements: is transportable in a single

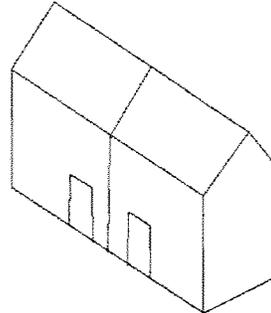
piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing; is designed for permanent occupancy; which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; is constructed so that it may be used with or without a permanent foundation; and is not a recreation vehicle. The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "sectional home," which is defined above. See standards in § 255-38.

- F. TWIN DWELLING UNIT — One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- G. TOWNHOUSE or ROWHOUSE — One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in § 255-38.

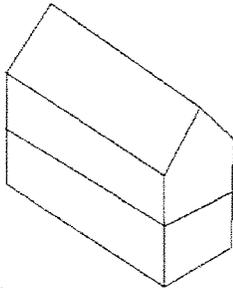
DWELLING TYPES



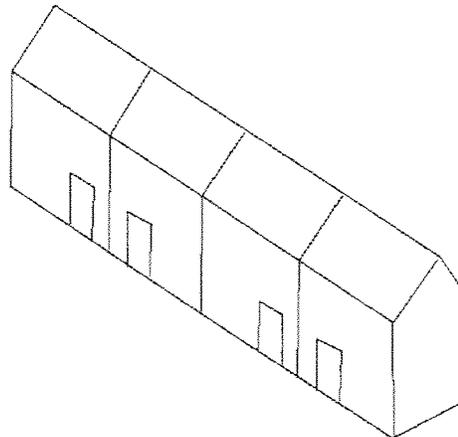
Single Family Detached Dwelling



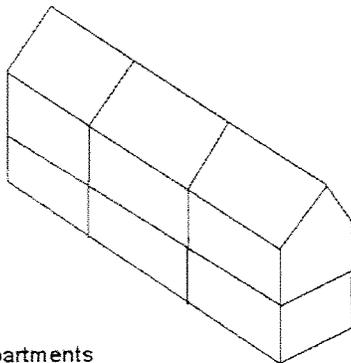
Two Twin Dwelling Units



Duplex



Townhouses or Rowhouses



Apartments

DWELLING UNIT — A single habitable living unit occupied by only one family. See definition of "family." Each dwelling unit shall have: its own toilet, bath or shower, sink, sleeping and cooking facilities; and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following: two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another; or two separate and distinct sets of kitchen facilities.

**EMERGENCY SERVICES STATION** — A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See also provisions for this use in § 255-38.

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

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

**FAMILY** — One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the group home provision of § 255-38 residing within a licensed group home, as defined herein. Through those provisions and § 255-17D(5), the Borough's intent is to comply with the Federal Fair Housing Act, as amended.

**FENCE** — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. See § 255-39.

**FINANCIAL INSTITUTION** — An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

**FLOODPLAIN** — See definitions of this term and related terms in the Borough Floodplain Regulations.<sup>22</sup>

**FLOOR AREA, TOTAL** — The total floor space within a building(s) measured from the exterior faces of exterior walls or from the center lines of walls separating buildings. Floor area shall specifically include, but not be limited to: fully enclosed porches; and basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

**FORESTRY** — The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development. See "timber harvesting" in this section and § 255-38.

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22. Editor's Note: See Ch. 106, Floodplain Management.

**GARAGE SALE** — The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See § 255-39.

**GLARE** — A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See § 255-46.

**GOVERNMENT FACILITY, OTHER THAN BOROUGH-OWNED** — A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Bonneauville Borough or an authority created solely by Bonneauville Borough. This term shall not include uses listed separately in the table of uses in Article III, such as publicly owned recreation. This term shall not include a prison.

**GROUP HOME** — A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended.\* Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A group home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A group home shall not include a treatment center.
- D. See standards in § 255-38.

\* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) a record of having such an impairment; or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

**HAZARDOUS SUBSTANCES** — A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials

located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. HAZARDOUS SUBSTANCES — As defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. HAZARDOUS SUBSTANCES — As defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

HAZARDOUS SUBSTANCES, EXTREMELY — Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

HEIGHT — See "building height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article VII, Signs.

HELIPORT — An area used for the takeoff and landing of helicopters, and related support facilities. A private heliport shall be limited to 15 total takeoffs and landings in any seven-day period, and which is not open to the general public. A public heliport is one that does not meet the definition of a private heliport.

HOME OCCUPATION — A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the home occupation requirements of § 255-39. A "light home occupation" shall be a home occupation that meets the additional requirements for a light home occupation, as stated in § 255-39. The term "light home occupation" includes but is not limited to the term "no-impact home based business," as defined in the State Municipalities Planning Code. A "general home occupation" shall be a home occupation that does not meet the requirements for a light home occupation. [NOTE: In most cases, under § 255-32, a light home occupation is permitted by right, while a general home occupation typically needs special exception approval from the Zoning Hearing Board.]

HOSPITAL — A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

HOTEL or MOTEL — A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed-and-breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

**IMPERVIOUS COVERAGE** — The percentage that results from dividing the land area on a lot covered by all impervious surfaces by the total land area of the lot. "Impervious surfaces" shall be defined as areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the Zoning Ordinance.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way does not exist), as opposed to regulating each individual townhouse lot.

**JUNK** — Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers and scrap building materials. Junk shall not include: solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal; toxic substances; yard waste or tree trunks; items clearly awaiting imminent recycling at an appropriate location; building materials awaiting imminent use at an ongoing building; or "clean fill" as defined by state environmental regulations.

**JUNK VEHICLE** — Includes any vehicle or trailer that meets any of the following conditions:

- A. Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs;
- B. Cannot be towed, in regards to a trailer designed to be towed;
- C. Has been demolished beyond repair;
- D. Has been separated from its axles, engine, body or chassis; and/or
- E. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See also the definition of "unregistered vehicle."

**JUNKYARD** —

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
- (1) "Junk" (see definition above) covering more than 1% of the lot area.
  - (2) Two or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of § 255-38.

- (3) One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

**KENNEL** — The keeping of a greater number of dogs and/or cats than are permitted under the keeping of pets provisions of this chapter,<sup>23</sup> and which may also include temporary keeping of other household pets. In addition, in any case, if more than 10 dogs age six months or older are kept, it shall be considered a kennel.

**LANDOWNER** — The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a landowner.

**LIGHTING, DIFFUSED** — Illumination that passes from the source through a translucent cover or shade.

**LIVESTOCK OR POULTRY, RAISING OF** — The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the keeping of pets section of § 255-39<sup>24</sup> and beyond what is customarily incidental to a principal crop farming use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

**LIVESTOCK OR POULTRY, INTENSIVE RAISING OF** —

- A. This term shall mean a raising of livestock or poultry use involving an average of two or more animal equivalent units (see definition below) of live weight per acre of livestock or poultry, on an annualized basis.
- B. An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act and accompanying regulations. Note that the provisions of this Zoning Ordinance are based upon acreage of a lot, and not acreage that is available for disposal of wastes. (NOTE: Two animal equivalent units per acre would be roughly equal to 1.7 dairy cattle, 6.7 swine, 10 sheep, 500 poultry or 400 rabbits per acre.)

**LOT** — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A lot may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots

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23. Editor's Note: See § 255-39D(10).

24. Editor's Note: See § 255-39D(10).

bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

**LOT, CORNER** — A lot abutting on two or more intersecting streets which has an interior angle of less than 135° at the intersection of right-of-way lines of two streets.

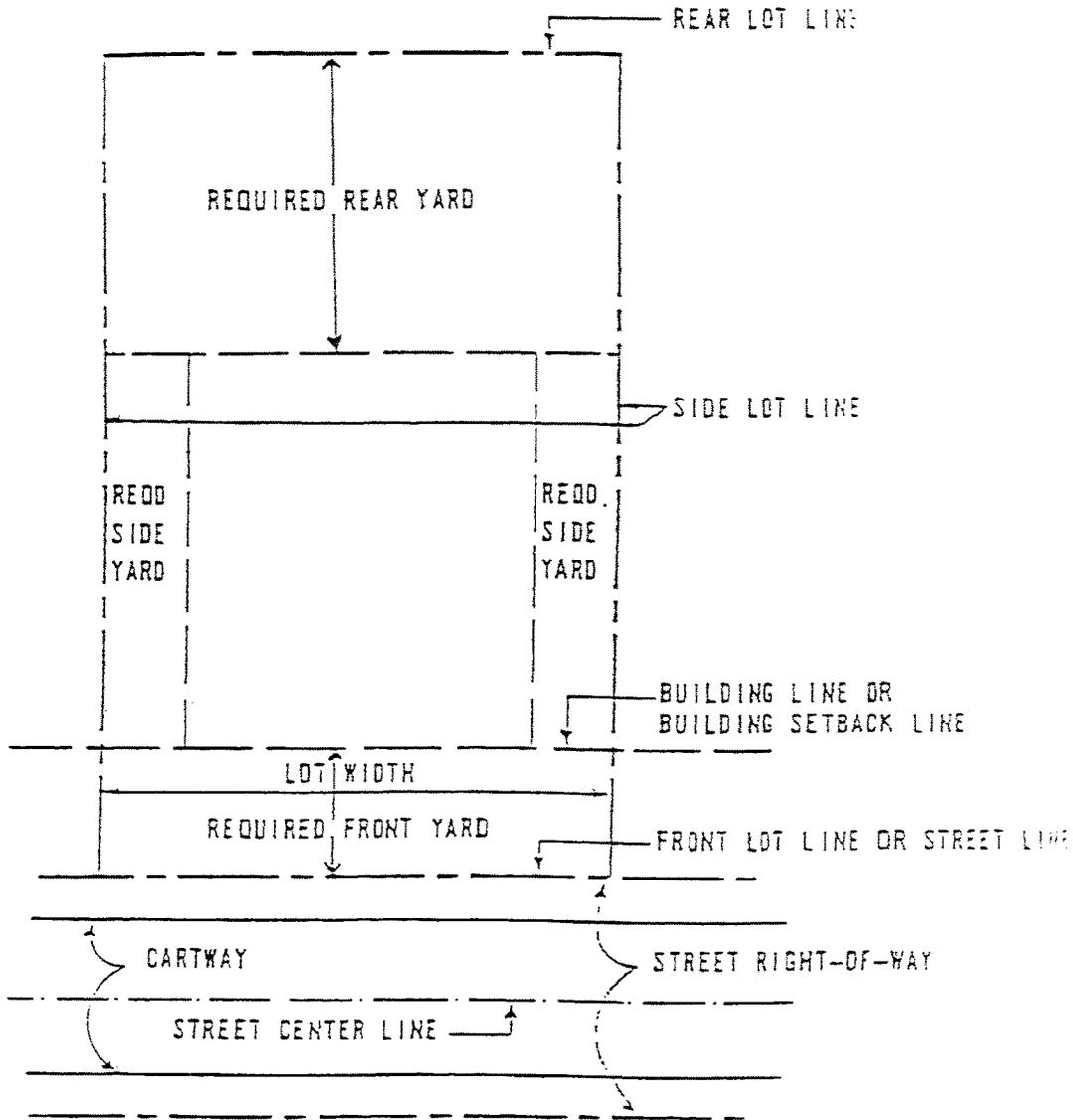
**LOT AREA** — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the existing legal rights-of-way of: any proposed or existing public streets or alleys; or any proposed or existing commonly maintained private streets that serve more than one lot. [NOTE: Other sections of this chapter, such as townhouse development,<sup>25</sup> may specifically permit proposed streets to be included in determining density for a specific use.]
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. [NOTE: Other sections of this chapter, such as for townhouses in § 255-32, may specifically permit proposed common open spaces or detention basins to be included in determining density for a specific use.]
- C. Features required to be excluded from "lot area" under Article III of this chapter.

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25. Editor's Note: See § 288-38A(45).

Terms For Lot Requirements  
For Illustrative Purposes Only

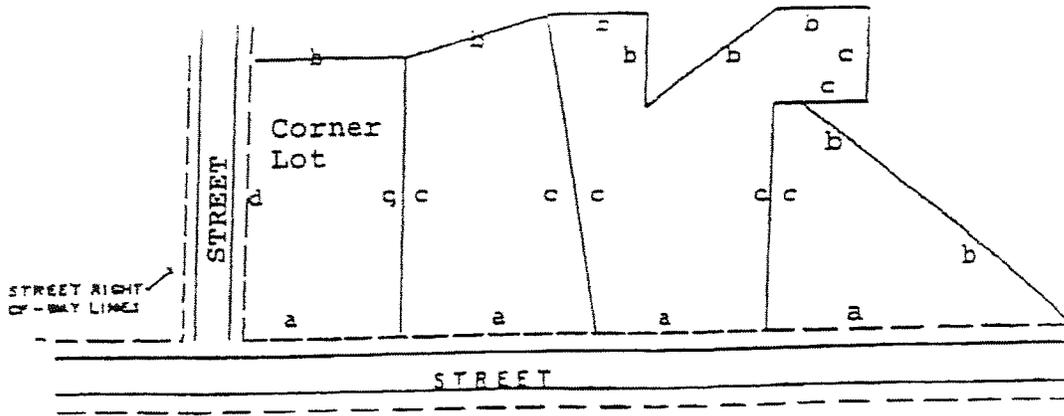


**LOT LINES** — The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front lot line (street line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see § 255-66B.
- B. Rear lot line. Any lot line which is parallel to or within 45° of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd

shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.

- C. Side lot line. Any lot line other than a front or rear lot line.



**LOT WIDTH** — The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75% of the width that would otherwise be required.

**MESSAGE PARLOR** — A type of adult use that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the state as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered personal service.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semiprivate rooms.

**MEMBERSHIP CLUB** — An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and

persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that district and the requirements of that use are met.
- B. See § 255-38. See also "after-hours club" and "hunting and fishing clubs," which are distinct uses.

**MINERAL EXTRACTION** — The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

**MOBILE/MANUFACTURED HOME** — See under "dwelling types."

**MOBILE/MANUFACTURED HOME PARK** — A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a mobile home park. See § 255-38.

**MOTOR VEHICLE** — An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

**MUNICIPALITIES PLANNING CODE or STATE PLANNING CODE** — The Pennsylvania Municipalities Planning Code, as reenacted and amended.

**NIGHTCLUB** — An establishment that offers amplified live music performances extending beyond 12:00 midnight, sells alcoholic beverages primarily for on-site consumption, is open to patrons after 12:00 midnight, and has a building capacity of over 200 persons.

**NONCONFORMING LOT** — A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this chapter, or amendments hereinafter enacted.

**NONCONFORMING STRUCTURE** — A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of such ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See § 255-68.

**NONCONFORMING USE** — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this chapter or applicable amendment(s). A use granted by variance is not a nonconforming use. See § 255-68.

NURSING HOME — A facility licensed by the state for the housing and intermediate or fully skilled nursing care of three or more persons. See § 255-38.

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

OPEN SPACE, PRESERVED OR COMMON — A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;
- C. Will be deeded to the Borough and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than preserved open space and noncommercial recreation or a golf course open to the public; and
- D. Does not use any of the following areas to meet minimum preserved open space requirements:
  - (1) Existing street rights-of-way,
  - (2) Vehicle streets or driveways providing access to other lots;
  - (3) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation);
  - (4) Off-street parking (other than that clearly intended for noncommercial recreation);
  - (5) Area(s) needed to meet a requirement for an individual lot;
  - (6) For land intended to be open to the public, that does not have provisions for entry with a fifteen-foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street;
  - (7) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would: be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions; or serve as a scenic asset resembling a natural pond;
  - (8) Portions of land that have a width of less than 50 feet;
  - (9) Areas that are under water during normal weather conditions;
  - (10) Fifty percent of areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.

ORDINANCE, THIS — The Bonneauville Borough Zoning Ordinance, including the Official Zoning Map, as amended.<sup>26</sup>

PA — The Commonwealth of Pennsylvania.

PARKING — Off-street parking and aisles for vehicle movement unless otherwise stated.

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

PERMITTED-BY-RIGHT USES — Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A nonconforming use shall not be considered to be a permitted-by-right use, a special exception use or a conditional use.

PERSONAL CARE HOME OR CENTER — Assisted-living facility.

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

PETS, KEEPING OF — The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See § 255-39D(10).

PICNIC GROVE, PRIVATE — An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

PLACES OF WORSHIP — Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate dwelling type. See standards in § 255-38.

PRINCIPAL BUILDING — A principal structure which is also a building.

PRINCIPAL STRUCTURE — The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

PRINCIPAL USE — A dominant use(s) or main use on a lot, as opposed to an accessory use.

PRISON — A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

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26. Editor's Note: Throughout this chapter, references to "this ordinance" have been changed to "this chapter" per standard codification procedures.

PUBLIC NOTICE — Notice required by the PA Municipalities Planning Code. (See definition in Section 107 of such law.<sup>27</sup>)

PUBLICLY OWNED RECREATION — Leisure facilities owned, operated or maintained by governmental entities for use by the general public. Publicly owned recreation is a distinct use from indoor recreation or outdoor recreation.

RECREATION — The offering of leisure-time activities to unrelated persons. This term shall not include any adult use. For the purposes of this chapter, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. INDOOR RECREATION — A type of recreation use that: does not meet the definition of "outdoor recreation"; and is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by § 255-32.
- B. OUTDOOR RECREATION — A type of recreation use that: has a total building coverage of less than 25%; and is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by § 255-32, such as a firearms target range.

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

RELATED or RELATIVE — Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "dwelling unit."

REPAIR SERVICE — Shops for the repair of appliances, watches, guns, bicycles and other household items.

RESIDENTIAL ACCESSORY STRUCTURE (includes "building") OR USE — A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. No business shall

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27. Editor's Note: See 53 P.S. § 10107.

be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

RESIDENTIAL DISTRICT(S) — The SFR, MDR and HDR Zoning Districts.

RESIDENTIAL LOT LINES — The lot line of a lot that: contains an existing primarily residential use on a lot of less than 10 acres; or is undeveloped and zoned as a residential district.

RESTAURANT —

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern or nightclub, as applicable, must be met.
- C. See "drive-through service" in this section.

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

RIGHT-OF-WAY — An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "right-of-way" by itself shall mean the street right-of-way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. STREET RIGHT-OF-WAY, EXISTING OR LEGAL — The official established street right-of-way that either the Borough or the state presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this chapter, whether by dedication or otherwise.

ROOMING HOUSE — See "boarding house."

SCHOOL, PUBLIC OR PRIVATE PRIMARY OR SECONDARY — An educational institution primarily for persons between the ages of five and 19 that primarily provides state-required or largely state-funded educational programs. This term shall not include "trade schools."

SCREENING — Year-round plant material of substantial height and density designed to provide a buffer. See requirements in § 255-66D.

SELF-STORAGE DEVELOPMENT — A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

SETBACK LINE — A line separating a yard from the area within which a building or use is allowed.

SEWAGE SERVICE, CENTRAL — Sanitary sewage service to a building by a Borough-approved sewage collection and disposal system that serves five or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

SEWAGE SERVICE, ON-LOT — Sanitary sewage service to a building that does not meet the definition of "central sewage service," such as but not limited to an individual on-lot septic system.

SEWAGE SERVICE, PUBLIC — Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

SIGHT TRIANGLE — An area required to be kept free of certain visual obstructions to traffic. See § 255-66.

SIGN — The definition in Article VII shall apply.

SIGN AREA — The definition in Article VII shall apply.

SIGN, OFF-PREMISES — The definition in Article VII shall apply.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE ALTERATIONS — This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than 1/2 acre, other than selective thinning of existing vegetation or trees.

SOLID WASTE-TO-ENERGY FACILITY — An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

SOLID WASTE TRANSFER FACILITY — Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

SPECIAL EXCEPTION — A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 255-22.

SPECIFIED SEXUAL ACTIVITIES — One or more of the following:

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

C. Fondling or other erotic touching of human genitals. See definition of "adult use."

STATE — The Commonwealth of Pennsylvania and its agencies.

STORY — A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than six feet below the finished grade level for more than 50% of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

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

STRUCTURE — Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter. For the purposes of this chapter, utility poles, stormwater basins, wells, paving and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

SUBDIVISION — The definition in the Subdivision and Land Development Ordinance<sup>28</sup> shall apply.

SUBDIVISION ORDINANCE or SUBDIVISION AND LAND DEVELOPMENT ORDINANCE — The Bonneauville Borough Subdivision and Land Development Ordinance, as amended.<sup>29</sup>

SWIMMING POOL, HOUSEHOLD OR PRIVATE — A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See § 255-39.

SWIMMING POOL, NONHOUSEHOLD — A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

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

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

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28. Editor's Note: See Ch. 220, Subdivision and Land Development.

29. Editor's Note: See Ch. 220, Subdivision and Land Development.

TIMBER HARVESTING (includes "logging") — The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TIRE STORAGE, BULK — The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "outdoor storage" in § 255-39D(9).

TOWNHOUSE — See "dwelling types."

TRADE/HOBBY SCHOOL OR TRADE SCHOOL — A facility that: is primarily intended for education of a work-related skill or craft or a hobby; and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

TRADESPERSON — A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

TREATMENT CENTER —

A. A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- (1) Criminal rehabilitation, such as a criminal halfway house;
- (2) Current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

B. See standards in § 255-38. Also, a group home that exceeds the number of residents allowed by this chapter within a group home shall be regulated as a treatment center, unless approved otherwise under § 255-17D.

UNIT FOR CARE OF RELATIVE — A dwelling unit that: is especially created for and limited to occupancy by a close relative of the permanent residents of the principal dwelling unit; is necessary to provide needed care and supervision to such relative; and meets the requirements for such use in § 255-39.

UNREGISTERED VEHICLE — Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which state regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

USE — The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

VARIANCE — The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code. See § 255-17.

WALL — See "fence."

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

WATERCOURSE — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SERVICE, CENTRAL — Water supply service to a building by a Borough-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

WATER SERVICE, ON-LOT — Water supply service to a building that does not meet the definition of "central water service," such as but not limited to an individual on-lot well.

WATER SERVICE, PUBLIC — Central water service by a system owned and/or operated by a municipality or a municipal authority.

WETLANDS — An area of land and/or water meeting one or more definitions of a "wetland" under federal and/or Pennsylvania law and/or regulations.

YARD — An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting lot line, existing street right-of-way or setback required from a street under § 255-66, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in § 255-66B.
- B. Private streets. For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

YARD, FRONT or FRONT SETBACK — A yard measured a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by § 255-66, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See § 255-66 concerning yards along corner lots.

**YARD, REAR or REAR SETBACK** — A yard extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.

**YARD, SIDE or SIDE SETBACK** — A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.

**ZONING MAP** — The Official Zoning Map of Bonneauville Borough, Adams County, Pennsylvania.

**ZONING OFFICER** — The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

**ZONING ORDINANCE** — The Bonneauville Borough Zoning Ordinance, as amended.

**ARTICLE III  
Districts**

**§ 255-27. Designation of districts and purposes.**

A. For the purpose of this chapter, Bonneauville Borough is hereby divided into the following zoning districts, with the following abbreviations:

- SFR      Single-Family Residential
- MDR      Mixed-Dwelling Residential
- HDR      High-Density Residential
- V          Village
- C          Commercial

B. For the purposes of this chapter, the zoning districts named in Subsection A shall be of the number, size, shape and location shown on the Official Zoning Map.<sup>30</sup>

C. Overlay districts. The Floodplain Area, which includes areas shown as within the one-hundred-year floodplain under Federal Floodplain mapping, shall serve as an overlay district to the applicable underlying districts.

D. Purposes of each district. In addition to serving the overall purposes and objectives of this chapter and the Comprehensive Plan, each zoning district is intended to serve the following purposes:

- (1) SFR Single-Family Residential District: to provide for low-density residential neighborhoods that are primarily composed of single-family detached dwellings. To protect these areas from incompatible uses.

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30. Editor's Note: The Zoning Map is included at the end of this chapter.

- (2) MDR Mixed-Dwelling Residential District: to provide for medium-density residential neighborhoods with a mix of housing types at a medium density; to protect these areas from incompatible uses; to meet requirements of state law to provide opportunities for various housing types.
- (3) HDR High-Density Residential District: to provide opportunities for a mix of housing types at a higher density.
- (4) V Village District: to provide for a mix of housing and light business uses in a manner that encourages reuse of older buildings and avoids conflicts between homes and intensive commercial uses; to primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
- (5) C Commercial District: to provide for a wide range of commercial uses; to carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

**§ 255-28. Application of district regulations.**

- A. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this chapter.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- D. Boundary change. Any territory which may hereafter become part of the Borough through annexation or a boundary adjustment shall be classified as the SFR Zoning District of Bonneauville until or unless such territory is otherwise classified by Borough Council.

**§ 255-29. Zoning Map.**

- A. A map entitled "Bonneauville Borough Zoning Map" accompanies this chapter and is declared a part of this chapter.<sup>31</sup> The Official Zoning Map, which should bear the adoption date of this chapter and the words "Official Zoning Map," shall be retained in the Borough Building.
- B. Map changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State

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31. Editor's Note: The Zoning Map is included at the end of this chapter.

Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this chapter.

- C. Replacement map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

**§ 255-30. District boundaries.**

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

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

**§ 255-31. Setbacks across municipal boundaries.**

- A. Intent: to continue the objective of compatible land uses across municipal boundaries.
- B. This chapter requires additional setbacks and the provision of bufferyards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and bufferyard provisions shall be provided by uses proposed within Bonneauville Borough regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Bonneauville Borough.

**§ 255-32. Allowed uses in each zoning district.** <sup>32</sup>

- A. Unless otherwise provided by state or federal law or specifically stated in this chapter (including § 255-11B), any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter.
- (1) See § 255-11B, which generally provides a process for approval of a use that is not listed based upon similarity to permitted uses and other criteria. Except as provided in such § 255-11B, any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.
  - (2) For temporary uses, see § 255-9.
- B. Permitted accessory uses in all districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this chapter. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of § 255-39 and all other requirements of this chapter:
- (1) Standard antennas, including antennas used by contractors to communicate with their own vehicles. [NOTE: See standard for each in § 255-39.]
  - (2) Fence or wall. [NOTE: See standard for each in § 255-39.]
  - (3) Garage, household.
  - (4) Garage sale. [NOTE: See standard for each in § 255-39.]
  - (5) Pets, keeping of. [NOTE: See standard for each in § 255-39.]
  - (6) Parking or loading, off-street, only to serve a use that is permitted in that district.
  - (7) Recreational facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests.
  - (8) Residential accessory structure (see definition in Article II). [NOTE: See standard for each in § 255-39.]
  - (9) Signs, as permitted by Article VII.
  - (10) Swimming pool, household. [NOTE: See standard for each in § 255-39.]
  - (11) Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.
- C. Permitted accessory uses to business and institutional uses. The following are permitted-by-right accessory uses only to a permitted-by-right, special exception or

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32. Editor's Note: The Table of Allowed Uses is included at the end of this chapter.

conditional commercial, industrial or institutional use, provided that all requirements of this chapter are met:

- (1) Storage of fuels for on-site use or to fuel company vehicles.
- (2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
  - (a) Internal cafeteria without drive-through service;
  - (b) Day care center; or
  - (c) Recreational facilities.
- (3) Automatic transaction machine.
- (4) Storage sheds meeting the requirements of § 255-33A.

**§ 255-33. Dimensional requirements in each district.** <sup>33</sup>

- A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by §§ 255-38 or 255-39 or another section of this chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in § 255-26.
- B. Height. Except as provided in § 255-65, or as specified otherwise in this chapter for a particular use, the following maximum structure height shall apply in all zoning districts:
  - (1) No maximum height shall apply for agricultural structures;
  - (2) Any structure that is accessory to a dwelling on a lot of less than five acres shall have a maximum height of two stories (with the second story limited to nonhabitable storage areas) or 25 feet, whichever is more restrictive;
  - (3) In the I district, a maximum building height of 50 feet shall apply;
  - (4) The maximum height for any other structure shall be three stories or 40 feet, whichever is more restrictive.
- C. Accessory structures and uses.
  - (1) Accessory structures and uses shall meet the minimum yard setbacks provided for in Subsection A, unless otherwise provided for in this chapter, including this Subsection C.
  - (2) The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be five feet, except in the following cases:

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33. Editor's Note: The Table of Dimensional Requirements is included at the end of this chapter.

- (a) The minimum rear setback shall be reduced to three feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
  - (b) A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
  - (c) A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D of the Table of Dimensional Requirements<sup>34</sup> considering front yard setbacks.
  - (d) See § 255-39 for swimming pools.
  - (e) If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street along the front lot line and another street along the rear lot line), then the building or pool shall be separated from such street by a buffer yard meeting § 255-66.
- (3) No accessory building and no swimming pool shall be allowed in the minimum front yard.
- D. Required yards.
- (1) No accessory or principal structure shall extend into the required front yard, except as provided in this chapter.
  - (2) Every lot shall include at least one front lot line.
  - (3) A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this chapter.
  - (4) Every lot shall include a rear lot line and a rear yard.
  - (5) A structure shall not extend into the applicable minimum side yard setback, except as provided for in this chapter.
  - (6) See "Corner Lot" provision in § 255-66B.
  - (7) A triangular lot shall include one side yard. All other lots shall include at least two side yards, except for a corner lot.
- E. Additional provisions within the V Village District.
- (1) Guidelines. To the maximum extent feasible, the minimum front yard of new commercial development should be landscaped, and the majority of new parking areas should be placed to the rear or side of the principal building. New buildings

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34. Editor's Note: The Table of Dimensional Requirements is included at the end of this chapter.

are encouraged to be placed as close to the street right-of-way as is feasible, provided they do not create sight distance obstructions and still meet the minimum setback requirements.

- (2) Architectural information. If a new principal commercial building is proposed within the V District, then an architectural sketch or elevation shall be submitted to the Zoning Officer prior to receiving any zoning approval. Such sketch or elevation shall describe the type of materials to be used on the front facade.

**§ 255-34. Wetlands and lakes.**

- A. Wetland studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the federal or state definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
- B. Wetland setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this chapter and any wetland.

**§ 255-35. Sewage and water services.**

- A. Every new lot and every new principal use shall be served by public sewage service and public water service, unless a minimum lot area of one acre is provided for each dwelling unit or each equivalent dwelling unit.
- B. Expansion of septic use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a nonresidential use would result in increased flow to an on-lot septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

**§ 255-36. Age-restricted residential development.**

- A. This § 255-36 provides a density bonus for a residential development that is age-restricted in compliance with the federal requirements for housing for older persons as specified in the United States Code. [NOTE: As of 2006, such provisions were in 42 U.S.C. § 3607.]
- B. In order to be approved by the Borough as age-restricted residential development, every dwelling unit (except a unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: a minimum of one head of household of each dwelling unit shall be age 55 years or older, or 62 years or older, or who is physically disabled as defined by Social Security disability regulations; and no person under age 18 shall live in the

dwelling unit for more than 30 days in any calendar year. Any violation of such age restrictions shall be a violation of this Zoning Ordinance. In addition, in order to be approved as age-restricted development, the applicant shall establish an appropriate legal entity, such as a property-owner association that has the duty, authority and responsibility to enforce such age restrictions over time.

- C. If a residential development is approved under this § 255-36, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 15%. Where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 15% under this § 255-36. An age-restricted residential development shall meet all other requirements of Borough ordinances.

#### ARTICLE IV

#### **Additional Requirements for Specific Uses**

##### **§ 255-37. Applicability.**

- A. This article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.

- (1) For uses allowed within a specific Zoning District as special exception uses, see also the procedures and standards in § 255-22. For conditional uses, see also § 255-23.

##### **§ 255-38. Additional requirements for specific principal uses.**

- A. Each of the following uses shall meet all of the following requirements for that use:
- (1) Adult use. (This is limited to the following: adult bookstore, adult movie theater, massage parlor, or adult live entertainment facility.)
- (a) Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this chapter:
- [1] To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the Borough. 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 business space. The research conducted across the nation concludes that adult uses typically involve insufficient self-regulation to control these secondary effects.

- [2] To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
  - [3] To not attempt to suppress any activities protected by the free speech protections of the state and U.S. Constitutions, but instead to control secondary effects.
- (b) An adult use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
- [1] Two hundred lineal feet from the lot line of an existing dwelling;
  - [2] Two hundred lineal feet from the lot line of any residential zoning district;
  - [3] One thousand lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day-care center or child nursery.
- (c) No adult use shall be located within 200 lineal feet from any existing adult use.
- (d) A fifty-foot bufferyard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of five feet.
- (e) 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. It shall not be possible to view into the inside of the business from a public street or sidewalk.
- (f) No adult use shall be used for any purpose that violates any federal, state or municipal law.
- (g) Obscene or pornographic signs shall be prohibited. No sign shall graphically represent adult-oriented products, services or activities.
- (h) The adult use shall not include the sale or display of obscene materials, as defined by Pennsylvania criminal law, as may be amended by applicable court decisions.
- (i) An adult use shall only be allowed within a zoning district where the use is specifically listed as being allowed.
- (j) A minimum lot area of one acre is required.
- (k) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

- (l) No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an adult live entertainment use, employees or entertainers shall maintain a minimum distance of two feet from customers.
  - (m) Only lawful massages as defined by state court decisions shall be performed in a massage parlor.
  - (n) All persons within any adult use shall wear nontransparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment facility.
  - (o) Any application for such use shall state the names and home addresses of: all individuals intended to have more than a five-percent ownership in such use or in a corporation owning such use; and an on-site manager responsible to ensure compliance with this chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
  - (p) The use shall not operate between the hours of 12:00 midnight and 6:00 a.m.
  - (q) As specific conditions of approval under this chapter, the applicant shall prove compliance, where applicable, with the following state laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990<sup>35</sup> (which pertains to sale or consumption of alcohol between 2:00 a.m. and 8:00 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).
  - (r) An adult use shall not be within the same building as a use with a liquor license.
- (2) Adult day-care center.
- (a) The use shall be fully licensed by the state, if required by the State.
  - (b) The use shall include constant supervision during all hours of operation.
  - (c) The use shall not meet the definition of a "treatment center."
- (3) After-hours club. This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
- (4) Animal cemetery.
- (a) All the regulations for a cemetery in this section shall apply.
  - (b) The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

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35. Editor's Note: See 18 Pa.C.S.A. § 7327.

- (5) Assisted-living facility/personal care center. The standards for nursing homes in this section shall apply.
- (6) Auto, boat or mobile/manufactured home sales.
  - (a) No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See bufferyard provisions in § 255-66.
  - (b) See light and glare standards in § 255-46.
  - (c) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- (7) Auto repair garage.
  - (a) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
  - (b) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article V. See bufferyard requirements in § 255-66.
  - (c) Outdoor storage of motor vehicles shall not be within any required bufferyard or street right-of-way. Overnight outdoor storage of junk other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
  - (d) Any junk vehicle (as defined by Article II) shall not be stored for more than 60 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked within view of a public street or dwelling at any one time.
- (8) Auto service station.
  - (a) See definition of this term and auto repair garage in Article II. The uses may be combined, if the requirements for each are met.
  - (b) Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
  - (c) Any junk vehicle (as defined by Article II) shall not be stored for more than 60 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked within view of a public street or dwelling at any one time.
  - (d) The use may include a convenience store if the requirements for such use are also met.
  - (e) A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.

- [1] Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign; an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line; and necessary warning signs.
  - [2] Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
- (f) Fuel tanks and dispensers and ventilation equipment shall be set back a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home).
- (9) Bed-and-breakfast inn.
- (a) Within an agricultural or residential district (where permitted under Article III), a maximum of six rental units shall be provided and no more than three adults may occupy one rental unit. No maximums shall apply within other permitted districts. Only one bed-and-breakfast inn shall be permitted per lot.
  - (b) One off-street parking space shall be provided for each rental unit, plus employee parking. To the maximum extent feasible, off-street parking spaces for the bed-and-breakfast inn shall be: located either to the side or rear of the principal building; and screened from the street and abutting dwellings by landscaping. Off-street parking spaces shall be set back a minimum of 10 feet from lot lines.
  - (c) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of eight square feet on each of two sides and with a maximum height of eight feet. No internal lighting of the sign shall be permitted.
  - (d) The use shall have a residential or agricultural appearance and character.
  - (e) The use shall be owned, operated or managed by permanent residents of the lot.
  - (f) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
  - (g) No guest shall stay for more than 14 days in any month.
  - (h) In a residential district, a bed-and-breakfast shall only be allowed in an existing building that was constructed prior to January 1, 1950.

- (10) Boarding house (includes rooming house).
- (a) Minimum lot area: one acre.
  - (b) Minimum side yard building setback: 30 feet side.
  - (c) Minimum lot width: 200 feet.
  - (d) Maximum density: six bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
  - (e) Each bedroom shall be limited to two adults each.
  - (f) A buffer yard with screening meeting § 255-66 shall be provided between any boarding house building and any abutting dwelling.
  - (g) Note: There are separate standards for an assisted living facility, which is not considered a boarding house.
  - (h) Signs: shall be limited to two wall signs with a maximum of two square feet each.
  - (i) Rooms shall be rented for a minimum period of five consecutive days.
- (11) Campground, camp or recreational vehicle campground.
- (a) Within a residential district, for each acre of total lot area, there shall be a maximum average of: five recreational vehicle sites (where allowed); 10 tent sites; or cabin sleeping capacity for 20 persons. Such sites may be clustered in portions of the tract. Such maximum density shall not apply within a commercial district.
  - (b) Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
  - (c) Minimum lot area: five acres in an allowed commercial or industrial district, 10 acres in any other district where the use is permitted under Article III.
  - (d) All campsites, recreational vehicle sites, and principal commercial buildings shall be set back a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the campground or camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved.
    - [1] The screening of evergreens provided in § 255-66 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
  - (e) Buildings used for sleeping quarters shall not be within the one-hundred-year floodplain.

(f) No person other than a bona fide resident manager/caretaker shall reside on the site for more than six months in any calendar year.

(12) Car wash.

- (a) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- (b) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- (c) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (d) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (e) No portion of a car wash shall be located within 100 feet from the center line of a perennial waterway.

(13) Cemetery.

- (a) Minimum lot area: one acre, which may on the same lot as an allowed place of worship.
- (b) A crematorium, where allowed by Article III, shall be set back a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- (c) All structures and graves shall be set back a minimum of: 30 feet from the future right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be set back a minimum of 50 feet from all lot lines.
- (d) No grave sites and no structures shall be located within the one-hundred-year floodplain.
- (e) The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

(14) Commercial communications antennas/tower as principal or accessory use.

- (a) An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:

- [1] In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - [a] A principal agricultural building or silo;
    - [b] An electric high voltage transmission tower;
    - [c] An existing lawful commercial communications tower; or
    - [d] A fire station or steeple or bell tower of a place of worship or a water tower.
  - [2] In a commercial or industrial district, the antennas shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- (b) Any commercial communications antenna/tower that does not meet Subsection A(14)(a) above (such as a new freestanding tower) shall only be allowed where specifically authorized in § 255-32, and in compliance with the following additional regulations:
- [1] Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Borough Council may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - [2] A new tower, other than a tower on a lot of an emergency services station, shall be set back the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
  - [3] A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
  - [4] The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Construction Code.<sup>36</sup>
  - [5] The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region.

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36. Editor's Note: See Ch. 80, Construction Codes.

This policy shall be designed to minimize the total number of towers necessary in the Borough.

- [6] An applicant for a new commercial communications tower shall provide evidence to the Borough Council ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
  - [7] A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Borough Council as a conditional use that a taller height is absolutely necessary and unavoidable.
  - [8] The application shall describe any proposed lighting. Strobe lighting shall not be used, but flashing lights may be used.
  - [9] A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- (c) Purposes. These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this chapter:
- [1] To protect property values.
  - [2] To minimize the visual impact of antennas/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
  - [3] To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- (d) A tower/antenna that is intended to primarily serve emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
- (e) Any antenna and tower that is no longer in active use shall be completely removed within six months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed. The Borough Council may require that a

financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.

- (f) All accessory utility buildings or cabinets shall have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies) and have a maximum height of 10 feet and meet principal building setbacks.
- (15) Conversion of an existing building (including an existing dwelling) into dwelling units.
- (a) See Article III, which regulates where conversions are permitted. Applicable state fire safety requirements shall be met.
  - (b) The following regulations shall apply to the conversion of an existing one-family dwelling into a greater number of dwelling units:
    - [1] The building shall maintain the appearance of a one-family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - [2] The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than three off-street parking spaces in the required front yard.
  - (c) A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
  - (d) Dumpster screening. See § 255-69.
  - (e) A maximum total of four dwelling units may be developed per lot unless a more restrictive provision is established by another section of this chapter, unless the building included more than 4,000 square feet of existing aboveground building floor area at the time of adoption of this chapter, in which case a maximum of one dwelling unit shall be allowed for each 1,000 square feet of existing interior aboveground building floor area.
  - (f) Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of § 255-64C.
- (16) Day-care center, child.
- (a) See also day care: family day-care home or group day care as an accessory use in § 255-39D(4).
  - (b) The use shall comply with any applicable state and federal regulations, including having an appropriate PA Department of Public Welfare (or its successor agency) registration certificate or license.

- (c) Convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.
  - (d) The use shall include secure fencing around outdoor play areas.
  - (e) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
  - (f) In residential districts, any permitted day-care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
  - (g) A day-care use may occur in a building that also includes permitted or nonconforming dwelling units.
  - (h) See also the standards for a "place of worship" in this section, which allows a day-care center as an adjunct use.
- (17) Emergency services station.
- (a) The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and facilities for periodic temporary fund-raising events. Any building or area of a building used for the consumption of alcoholic beverages shall be set back a minimum of 50 feet from a residential lot line. Any building or building expansion separated from a residential lot line by a bufferyard meeting § 255-66.
- (18) Forestry. See § 255-38A(44), Timber harvesting.
- (19) Golf course. A golf course may include a restaurant or clubhouse, provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling.
- (20) Groundwater or spring water withdrawal, involving removal of an averaging of more than 100,000 gallons per day from a lot for off-site consumption. [NOTE: If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.]
- (a) See Table of Allowed Uses, Item g, Miscellaneous Uses.<sup>37</sup> The regulations of this Subsection A(21) shall not apply to water used by a principal agricultural use within the Borough.
  - (b) If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.

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37. Editor's Note: The Table of Allowed Uses is included at the end of this chapter.

- (c) If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be set back a minimum of 150 feet from any adjacent residential lot.
  - (d) Minimum lot area: 20 acres, plus an five additional acres for each 25,000 gallons per day of capacity of withdrawal.
  - (e) Any bottling or processing operations shall be considered a distinct use and shall only be allowed if food or beverage manufacturing is an allowed use under § 255-32.
- (21) Group homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- (a) The use shall meet the definition in § 255-26.
  - (b) A group home shall not include any use meeting the definition of a treatment center.
  - (c) A group home shall include the housing of a maximum of six unrelated persons, except:
    - [1] If a more restrictive requirement is established by another Borough Code;
    - [2] The number of bona fide paid professional staff shall not count towards such maximum; and
    - [3] As may be approved by the Zoning Hearing Board under § 255-17D.
  - (d) The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves five or more residents, then twenty-four-hour on-site staffing shall be provided.
  - (e) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.
  - (f) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
  - (g) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.
  - (h) Parking: see § 255-47.
  - (i) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
  - (j) The persons living on site shall function as a common household unit.

(k) The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.

(22) Heliport.

(a) The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.

(b) The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities and hours of operation to minimize nuisances and hazards to other properties.

(23) Hotel or motel.

(a) See definitions in § 255-26, which distinguish a hotel/motel from a boarding house.

(b) Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any residential lot line.

(24) Junkyard (includes salvage yard).

(a) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on site and routinely awaiting pickup.

(b) Outdoor storage of junk shall be at least: 100 feet from any residential lot line; and 50 feet from any other lot line and the existing right-of-way of any public street.

(c) The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

(d) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a twenty-foot wide buffer yard which complies with § 255-66, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of six feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

(e) Burning or incineration is prohibited.

(f) See the noise or dust regulations of Article V.

(g) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.

- (h) Lot area: two acres minimum.
  - (i) Tires: see the outdoor storage and display standards in § 255-39D(9).
  - (j) Any storage of junk shall be maintained a minimum distance of 100 feet from the center line of any waterway, and shall be kept out of a drainage swale.
  - (k) The use shall also comply with the Borough Salvage Yard/Junkyard Ordinance.<sup>38</sup>
- (25) Kennel.
- (a) All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all residential lot lines. This one-hundred-fifty-foot setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
  - (b) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
  - (c) No animal shall be permitted to use outdoor runs from 9:00 p.m. to 8:00 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
  - (d) See state law regulating kennels.
  - (e) Minimum lot area: five acres, unless a larger lot area is required by another section of this chapter.
- (26) Livestock and poultry, raising of.
- (a) Minimum lot area: three acres, except a minimum lot area of 10 acres shall apply for an intensive raising of livestock or poultry use, and except a minimum lot area of 40 acres if an intensive raising of livestock or poultry use will have more than five animal equivalent units per acre on the average.
  - (b) Except for an intensive raising of livestock or poultry use, any building used for the keeping of livestock or poultry shall be located a minimum of: 200 feet from a lot in a V, SFR, MDR or HDR district; 150 feet from an existing dwelling that is not within a V, SFR, MDR or HDR district and that existed prior to the adoption of this chapter; and 40 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable

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38. Editor's Note: See Ch. 120, Junkyards.

and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.

- (c) For an intensive raising of livestock or poultry use, any building used for the keeping of livestock or poultry shall be located a minimum of: 500 feet from a lot in a V, SFR, MDR or HDR district; 200 feet from an existing dwelling that is not within a V, SFR, MDR or HDR district and that existed prior to the adoption of this chapter; and 60 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this chapter where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- (d) The setbacks from property lines provided in this § 255-38A for this use shall not apply from:
  - [1] Dwellings or lots owned by the operator or owner of the livestock use;
  - [2] Dwellings or lots owned by a property-owner providing a written notarized letter waiving such setback; and/or
  - [3] Dwellings that did not exist at the time of adoption of this chapter.
- (e) Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- (f) The keeping of putrescent garbage-fed swine shall meet the setbacks for an intensive raising of livestock or poultry use. See the state domestic animal law provisions regarding garbage-fed animals.
- (g) For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act<sup>39</sup> and accompanying state regulations.
- (h) Buildings used for the keeping of livestock or poultry shall:
  - [1] Meet Borough floodplain regulations;
  - [2] Not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir; and
  - [3] Not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
- (i) For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that state

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39. Editor's Note: See 3 Pa.C.S.A. § 501.

setback shall apply. For any other manure storage facilities, a one-hundred-foot minimum setback shall apply from all lot lines.

- (j) The following additional requirements shall apply to an intensive raising of livestock or poultry use:
  - [1] The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
  - [2] The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
  - [3] The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
  - [4] An area shall be provided for trucks to turn around on the property that avoids the need to back out onto a public road.

(27) Membership club.

- (a) See definition in Article II.
- (b) Any active outdoor play areas shall be set back at least 30 feet from any abutting residential lot line.
- (c) This use shall not include an after-hours club.

(28) Mineral extraction.

- (a) If a mineral extraction use involves mining activities over more than two acres of land in any calendar year, then the following additional requirements shall be met:
  - [1] The applicant shall prove that a continuous route over roads will be available and will be used by trucks leaving the use that entirely involves roads with a minimum paved cartway width of 18 feet from the exit driveway of the mineral extraction use to reach Route 116. This route shall consider any improvements that the applicant proposes to fund.
  - [2] A copy of all information submitted to state agencies shall also be submitted to the Zoning Officer at the same time.

- [3] A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Borough permits.
- [4] After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.
- [5] A fifty-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Borough Council may require this yard to include an earth berm with a minimum average height of six feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
  - [a] New trees shall not be required where preserved trees will serve the same purpose.
- [6] The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
  - [a] One hundred feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
  - [b] One hundred fifty feet from a nonresidential principal building, unless released by the owner thereof.
  - [c] Four hundred feet from the lot line of a dwelling.
  - [d] One hundred fifty feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion.
- [7] The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
- [8] Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.
- [9] Fencing. The Borough Council may require secure fencing in locations where needed to protect public safety. As an alternative, the Borough Council may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
- [10] Hours of operation. The Borough Council, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and

of related trucking and blasting operations to protect the character of adjacent residential areas.

[11] The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

[12] The Borough may require that the applicant post financial security to cover the costs of damage that may occur to entrances and exits to public roads as a result of the trucks carrying mining materials.

[13] A plan shall be submitted showing sequential phases of mining activities on the land. Mining activities shall be conducted on a maximum of 50 acres at a time. Reclamation shall be initiated on one phase before the next phase is opened for mining.

[14] A plan shall be submitted showing how dust will be controlled.

(29) Mobile/manufactured home. Installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this chapter.

(a) Construction. Any mobile/manufactured home placed on any lot after the adoption of this chapter shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. [NOTE: These federal standards supersede local construction codes for the actual construction of the home itself.]

(b) Each site shall be graded to provide a stable and well-drained area. Each home shall have hitch and tires removed.

(c) Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.

(d) Foundation treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This Subsection A(29)(d) shall not apply within a manufactured/mobile home park. Metal skirting may only be permitted within a manufactured/mobile home park. Provisions shall be provided for access to utility connections under the home.

(30) Mobile/manufactured home park.

(a) If a requirement of this subsection directly conflicts with a requirement of the Subdivision and Land Development Ordinance<sup>40</sup> on a specific matter, then the requirements of this subsection of the Zoning Ordinance shall govern such matter.

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40. Editor's Note: See Ch. 220, Subdivision and Land Development.

- (b) The minimum tract area shall be three contiguous acres, unless a larger tract area is required by § 255-32 in a particular zoning district. This minimum tract area shall be under single ownership.
- (c) Density. The maximum average density of the tract shall be four dwelling units per acre.
  - [1] To calculate this density: land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodplain, wetlands and slopes over 25% shall not be included.
- (d) Landscaped perimeter. Each mobile/manufactured home park shall include a thirty-foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Borough Council as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
- (e) A dwelling, including any attached accessory building, shall be set back a minimum of 20 feet from another dwelling within the mobile home park, except that unenclosed porches, detached accessory buildings, awnings and decks may be 15 feet from the walls of another dwelling that such improvements are not accessory to.
- (f) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 20 feet.
- (g) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of preexisting public streets shall be 50 feet.
- (h) Each home shall comply with the requirements for mobile/manufactured homes stated in the preceding subsection.
- (i) Common open space for a mobile home park. A minimum of 20% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall, at a minimum, include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.
- (j) Streets.

- [1] Access to individual mobile/manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
  - [2] Streets within the mobile/manufactured home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
  - [3] Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.
- (k) Utilities. All units within the mobile/manufactured home park shall be connected to a central water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- (l) Streetlights shall be provided at all street intersections within the mobile/manufactured home park, at no expense to the Borough.
- (31) Multifamily dwellings. See townhouses and apartments in this section.<sup>41</sup>
- (32) Nursing home.
- (a) Licensing: See definition in Article II.
  - (b) A minimum of 20% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
- (33) Outdoor storage and display. The provisions listed for this use under § 255-39 shall apply.
- (34) Picnic grove, private.
- (a) All activity areas shall be a minimum of 250 feet of a preexisting dwelling on another lot. All parking areas shall be set back 100 feet from any residential lot line. The use shall not be open to the public between the hours of 11:00 p.m. and 7:00 a.m.
  - (b) See noise and glare standards in Article V.
  - (c) Minimum lot area: five acres.
- (35) Place of worship.
- (a) Minimum lot area: one acre in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of

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41. Editor's Note: See § 255-38A(45).

worship shall meet the minimum lot area provided in Article III for that district.

- (b) Weekly religious education rooms are permitted. A primary or secondary school and/or a child or adult day-care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met.
- (c) A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- (d) Minimum building setback from a lot line of an existing dwelling in a residential district: 30 feet.
- (e) Minimum parking setback from a lot line of an existing dwelling in a residential district: 10 feet.

(36) Recreation, outdoor

- (a) Active outdoor recreation facilities (not including trails) and buildings shall be set back a minimum of 20 feet from the lot line of an existing dwelling.
- (b) This term shall not include publicly owned recreation" or a golf course.
- (c) See provisions for a nonhousehold swimming pool in § 255-38A(43).
- (d) Lighting, noise and glare control: See Article V.
- (e) Maximum impervious coverage in any residential district: 20%. In any other district, the use shall meet the district provisions of § 255-33A.
- (f) Hours of operation. In a residential district, active recreation facilities shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m., unless differing hours are established as a condition of any needed Zoning Hearing Board or Borough Council approval.

(37) Recycling collection center.

- (a) This use shall not be bound by the requirements of a solid waste disposal facility.
- (b) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- (c) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- (d) A twenty-foot-wide buffer yard with screening as described in § 255-66 shall be provided between this use and any abutting residential lot line.

- (e) This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
  - (f) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
  - (g) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
  - (h) The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within a commercial or industrial district.
- (38) Residential conversions. See "conversions of an existing building" within this section.<sup>42</sup>
- (39) Restaurant.
- (a) Screening of dumpster and waste containers: see § 255-69.
  - (b) See § 255-39D(5), Drive-through facilities.
  - (c) Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
- (40) School, public or private, primary or secondary.
- (a) Minimum lot area: two acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
  - (b) No children's play equipment, basketball courts or illuminated recreation facilities shall be within 30 feet of a residential lot line.
  - (c) The use shall not include a dormitory.
- (41) Self-storage development.
- (a) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.

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42. Editor's Note: See § 255-38A(15).

- (b) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
  - (c) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
  - (d) The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
  - (e) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
  - (f) See § 255-66 concerning bufferyards. Any fencing shall be placed on the inside of the plantings.
  - (g) Minimum separation between buildings: 20 feet. Maximum length of any building: 300 feet.
- (42) Stable, nonhousehold. (Includes riding academies; see also § 255-39D(10), Pets, keeping of.)
- (a) Minimum lot area: two acres for the first horse or similar animal, plus one acre for each additional horse or similar animal.
  - (b) Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 100 feet from any residential lot line. Any corral or fenced-in area shall be set back a minimum of 50 feet from any residential lot line.
  - (c) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
- (43) Swimming pool, nonhousehold.
- (a) The water surface shall be set back at least 30 feet from any existing dwelling.
  - (b) Minimum lot area: one acre.
  - (c) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a bufferyard meeting § 255-66.
  - (d) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
  - (e) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
- (44) Timber harvesting.

- (a) If timber harvesting involves more than 1/2 acre, a soil and erosion control plan shall be submitted to the Borough. The Borough may require that the applicant submit such plan to the County Conservation District and pay their required fees.
- (45) Townhouses and apartments.
- (a) Maximum length and width of an attached grouping of townhouses: 150 feet. Maximum number of apartments that shall be within a building: 12, except no maximum shall apply in a building in which all units are permanently age restricted to at least one resident age 55 and older.
  - (b) Paved area setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
  - (c) Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
  - (d) Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of noncoordinated types at the curbside are specifically discouraged.
  - (e) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.
  - (f) Common open space. Unless a higher amount of open space is required by another section, a minimum of 25% of the total lot area of the development involving townhouses and apartments shall be set aside as common open space for the residents.
    - [1] If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older and will not be timeshare dwellings, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.
    - [2] A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this

requirement. This requirement shall be in place of any requirement for recreation land or fees under Chapter 220, Subdivision and Land Development.

(46) Treatment center.

- (a) See definition in § 255-26.
- (b) The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
- (c) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
- (d) The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- (e) If the use involves five or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

(47) Veterinarian office (includes animal hospital).

- (a) Minimum lot area: one acre.
- (b) Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- (c) Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

**§ 255-39. Additional requirements for accessory uses.**

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted-by-right, special exception or conditional use are permitted by right, except as is provided for in this chapter. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this chapter.
- B. Accessory setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

- C. Front yard setback. No accessory structure, use or building shall be permitted in a required minimum front yard in any district, unless specifically permitted by this chapter.
- D. Special standards. Each accessory use shall comply with all of the following standards listed for that use:
- (1) Antenna, standard (includes amateur radio antenna).
    - (a) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
    - (b) Anchoring. An antenna shall be properly anchored to resist high winds.
  - (2) Bees, keeping of.
    - (a) The applicant shall maintain the bees in a manner that does not create a public nuisance.
    - (b) Bee colonies shall be maintained within hives.
    - (c) Hives shall be located a minimum of 100 feet from any lot line, except this setback shall be reduced to 50 feet if a six-foot minimum height fence or solid hedge is located along the adjoining lot line for a distance of at least 100 feet from the hives.
    - (d) The approval to keep bees shall be revoked if the use is maintained in a way that results in unprovoked stinging of persons who are located on other lots or on streets or sidewalks.
  - (3) Composting as a principal or accessory use (other than raising of mushrooms).
    - (a) All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
    - (b) Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves, bark and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
    - (c) Minimum lot area for composting of manure that was not generated on site: 25 acres. Any composting of manure shall comply with the latest edition of the Pennsylvania Manure Management Manual.
    - (d) Setbacks. Composting areas of greater than one acres shall be set back 75 feet from lot lines of abutting residential lot lines, except that a two-hundred-foot minimum setback shall apply from all lot lines for composting of manure that was not generated on site.
  - (4) Day care, child, as accessory to a dwelling.

- (a) See § 255-32 and the definitions in § 255-26 concerning the number of children who can be cared for in different zoning districts in a family day-care home or a group day-care home.
  - (b) In any case, seven to 12 children (other than children who are related to the primary caregiver) shall only be cared for at one time within a single-family detached dwelling with a minimum lot area of 30,000 square feet and a twenty-foot minimum setback from all existing dwellings on another lot(s). Four to six children (in addition to children who are related to the primary caregiver) shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit. If a use involves the care of 13 or more children, it shall be considered to be a principal day-care center, except as accessory to a place of worship or school.
  - (c) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
  - (d) The use shall be actively operated by a permanent resident of the dwelling.
  - (e) If four or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a six-foot high secure fence.
  - (f) See also day-care center as a principal use in § 255-38A(16), and day care as accessory to a place of worship in § 255-32B.
  - (g) The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
  - (h) The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
- (5) Drive-through facilities.
- (a) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - (b) On-lot traffic circulation and parking areas shall be clearly marked.
  - (c) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic. For a drive-through restaurant, the drive-through lane shall be able to accommodate a minimum stacking of eight motor vehicles without blocking other aisles, entrances or exits. For other uses, such minimum stacking shall be reduced to four vehicles. Drive-through facilities

shall be designed and located to minimize conflicts with the main pedestrian movements on the site.

(6) Fences and walls.

- (a) Fences and walls are permitted by right in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- (b) No fence, wall or hedge shall obstruct the sight distance as required by § 255-66C and/or Chapter 220, Subdivision and Land Development.

(c) Fences.

[1] (Reserved)<sup>43</sup>

[2] On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.

[3] Height. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, and eight feet in any other district, except a maximum of height of 12 feet shall be permitted around a tennis court or where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.

[4] Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed along a lot line, but not on the lot line itself. However, a fence shall be located on the inside of any buffer plantings required by § 255-66. Where no setback is required, a one foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.

[5] Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.

(d) Walls.

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43. Editor's Note: Former subsection D(6)(c)[1], permitting the installation of fences in front yards, was repealed 12-19-2017.

- [1] Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be set back a minimum of 15 feet from a lot line of an existing dwelling.
  - [2] No wall of greater than three feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in § 255-55.
  - [3] A wall in a residential district outside of a required front yard shall have a maximum height of three feet if it is within the minimum accessory structure setback.
  - [4] Walls that are attached to a building shall be regulated as a part of that building.
- (7) Garage sale (includes yard sale, moving sale and porch sale).
- (a) See definition in Article II. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
  - (b) Each dwelling may have a maximum of six garage sales in any calendar year. Each sale shall be limited to three days, which shall be consecutive.
  - (c) No toxic or alcoholic beverages shall be offered for sale at a garage sale.
  - (d) See the sign provisions for garage sales in Article VII.
- (8) Home occupations.
- (a) All home occupations shall meet the following requirements:
    - [1] The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on site at any one time who does not reside within the dwelling. A maximum of one nonresident employee shall visit the property on a daily basis or operate a vehicle based at the property.
    - [2] The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
    - [3] The use shall occupy an area that is not greater than 25% of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
    - [4] One off-street parking space shall be required per nonresident employee. In addition, for a general home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.

- [5] The use shall not require delivery by tractor-trailer trucks.
- [6] The regulations of § 255-39D(11)(d) regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
- [7] No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of toxic or highly hazardous substances.
- [8] A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
- [9] Any tutoring or instruction shall be limited to a maximum of three students at a time.
- [10] A barber or beauty shop shall not include any nonresident employees.
- [11] The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- [12] A home occupation may include one two-square-foot nonilluminated sign, as permitted by Article VII.
- [13] The Zoning Hearing Board shall deny a general home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
- [14] The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- [15] The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
- [16] If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this chapter.
- [17] A zoning permit shall be required for any home occupation.

- (b) In addition to the requirements listed in Subsection D(8)(a) above, the following additional requirements shall apply to a light home occupation:
  - [1] The use shall not routinely involve routine visits to the home occupation by customers or more than one nonresident employee at a time.
  - [2] The use shall only involve the following activities:
    - [a] Work routinely conducted within an office;
    - [b] Custom sewing and fabric and basket crafts;
    - [c] Cooking and baking for off-site sales and use;
    - [d] Creation of visual arts (such as painting or wood carving);
    - [e] Repairs to and assembly of computers and computer peripherals; and
    - [f] A construction tradesperson, provided that a maximum of one nonresident employee shall routinely operate from the lot.
  - [3] The term light home occupation also includes, but is not limited to, any use that meets the definition of a "no-impact home-based business" in the State Municipalities Planning Code.
- (9) Outdoor storage and display, commercial or industrial as a principal or accessory use.
  - (a) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
  - (b) No such storage or display shall occur on areas with a slope in excess of 25% or within the one-hundred-year floodplain.
  - (c) Screening. See § 255-66.
  - (d) Tire storage.
    - [1] For tires not mounted on a motor vehicle, any outdoor storage of more than five tires on a lot in a residential district or more than 50 used tires in a nonresidential district shall only be permitted as part of a Borough-approved junkyard.
    - [2] The outdoor storage of more than 50 used tires shall be limited to the Industrial District.
    - [3] Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than six months, they shall be stored within a building or trailer.

[4] The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

(10) Pets, keeping of.

- (a) This is a permitted by right accessory use in all districts.
- (b) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
- (c) A maximum combined total of six dogs and cats shall be permitted to be kept by residents of each dwelling unit.
  - [1] Such limits shall only apply to dogs or cats over six months in age.
  - [2] If a lot includes more than three acres, then the maximum combined total number of allowed dogs and cats shall be increased to 10. Any greater number of dogs and/or cats shall need approval as a kennel.
  - [3] No limit shall apply to the number of cats kept on a farm of more than 20 acres.
- (d) Pigeons, chickens, roosters, ducks, geese and/or similar fowl shall not be kept on a lot of less than one acre. However, if the total weight of such fowl is 200 to 500 pounds, then a minimum lot area of three acres shall be required. If the total weight of such fowl is over 500 pounds, then the requirements shall be met for raising of livestock or poultry.
- (e) Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
- (f) Horses. Minimum lot area: two acres for first horse or similar animal, plus one acre for each horse or similar animal in excess of one. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 75 feet from any residential lot line.
  - [1] However, as a special exception, the minimum lot area for keeping one horse may be reduced to one acre, as an accessory use to a detached dwelling, provided: the horse is the principal mode of transportation for the resident; and adequate, safe and healthful means of disposal of animal waste is used at all times.

- (g) Only those pets that are domesticated and are compatible with a residential character shall be permitted as keeping of pets. Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards.
    - [1] The following and similar animals shall not be kept as pets, except that the Zoning Hearing Board may approve a particular number and type of species as a special exception if the applicant proves they will not cause nuisances or hazards: bears, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
  - (h) It shall be unlawful on a residential lot to keep any exotic wildlife as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.
  - (i) The Zoning Hearing Board may approve, as a special exception use, a modification of the keeping of pets requirements if the applicant proves that the property is adjacent to undeveloped or nonresidential land and that there will be minimal impacts to neighboring properties from the special exception.
- (11) Residential accessory structure or use (see definition in Article II).
- (a) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in § 255-33A, unless specifically exempted by this chapter. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in § 255-33.
  - (b) Accessory buildings in a residential district on a lot of less than two acres shall meet the following requirements:
    - [1] Maximum total floor area of all accessory buildings: 1,000 square feet.
    - [2] Maximum of two accessory buildings per lot.
  - (c) Height. See § 255-33B.
  - (d) Parking of commercial trucks. The overnight outdoor parking of commercial trucks or a trailer from a tractor-trailer combination on a principal residential lot in a residential district shall only be allowed if it is needed to travel to and from work and if the following additional requirements are met:
    - [1] A maximum of two vehicles may be parked provided they have a maximum of 14,000 pounds aggregate gross vehicle weight.
    - [2] A maximum of one vehicle may be parked with an aggregate gross vehicle weight of over 14,000 pounds aggregate gross vehicle weight or the tractor or trailer of a tractor-trailer combination may be parked, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.

- [3] A maximum of one piece of construction equipment that is not primarily intended for on-road use shall be stored outdoors overnight in a residential district within view of another dwelling.
- (e) Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 14,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her relative shall not occur on a residential lot.
  - (f) See setback exceptions in § 255-66B.
  - (g) Unlicensed vehicles. See the separate Borough ordinance on this matter.
  - (h) Recreational vehicles or boats. A recreational vehicle or boat with a length of 24 feet or greater shall not be parked in the front yard of a dwelling in a residential district during more than two days in any seven-day period.
- (12) Retail sales of agricultural products as an accessory use.
- (a) The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
  - (b) The only retail sales shall be of agricultural products and horticultural products, in addition to any handmade crafts produced by the operator of the market and/or his/her family. An average of not less than 25% of the products sold on site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
  - (c) Off-street parking shall be provided in compliance with the provisions of Article VI. No parking shall be permitted in such a way that it creates a safety hazard.
  - (d) Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
  - (e) Signs. See Article VII.
  - (f) No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this chapter.
  - (g) A maximum total of 5,000 square feet of building floor area shall be used for such use.
  - (h) The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.

- (i) The retail sales shall be located on land owned by the operator of the market or upon a tract of five acres or more which the operator of the market actively farms.
  - (j) The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
- (13) Sewage sludge/biosolids, land application of.
- (a) The applicant shall prove written evidence to the Borough that sufficient safeguards will be in place to protect the public health and safety and the water quality of groundwater and surface waters. This should include, but not be limited to, provisions for regular testing of the material that is spread and for ongoing water quality monitoring.
  - (b) A copy of all test results of the material that is spread and any test results of water quality shall be provided to the Zoning Officer within seven days after they are received by the operator of the use or the landowner.
- (14) Swimming pool, household (referred to hereafter as "pool").
- (a) A swimming pool containing 24 inches or more of water depth shall include a fence, wall or similar enclosure surrounding the pool. Such enclosure shall extend not less than four feet above the ground. All gates shall be self-closing and self-latching, with latches placed at least four feet above the ground.
  - (b) A swimming pool shall not be located in a front yard. The water surface and any raised decking of a swimming pool shall be set back a minimum of eight feet from side and rear lot lines.
- (15) Unit for care of relative.
- (a) The use shall meet the definition in § 255-26. See also provisions in § 255-32, Subsection B, Permitted accessory uses in all districts.
  - (b) One of the two dwelling units on the lot shall be occupied by a maximum of two persons, who shall be relatives of the permanent residents of the principal dwelling unit. At least one resident of the second dwelling unit shall need such accommodations because of an illness, old age or disability.
  - (c) The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit, or be completely removed, or be converted into a lawful accessory use after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a unit for care of relative, and then be reconverted to a garage or permitted home occupation area. If the unit for care of relative will be

attached to the principal dwelling unit, then an interior door shall connect the two units.

- (d) The applicant shall establish a legally binding mechanism in a form acceptable to the Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- (e) The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
- (f) Such accessory unit shall not decrease the one-family residential appearance of a one-family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except for a detached dwelling unit that is specifically approved by the Zoning Hearing Board. If a detached dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks.
- (g) Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
- (h) Any on-lot septic system shall be recertified if the sewage flows will increase.

## ARTICLE V

### **Environmental Protection**

#### **§ 255-40. Erosion control.**

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the County Conservation District.
- C. See state erosion control regulations [NOTE: As of 2005, in 25 Pa. Code Chapter 102].

**§ 255-41. Nuisances and hazards to public safety.**

- A. No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
- (1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - (2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - (3) Pollution to groundwaters or surface waters, other than as authorized by a state or federal permit.
  - (4) Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
  - (5) Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

**§ 255-42. Wetlands.**

See § 255-34.

**§ 255-43. Floodplains (flood-prone areas).**

See the separate Floodplain Ordinance<sup>43</sup> and the federal floodplain mapping.

**§ 255-44. Noise.**

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

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43. Editor's Note: See Ch. 106, Floodplain Management.

**Sound Level Limits by Receiving Land Use/District**

<b>Land Use or Zoning District Receiving the Noise</b>	<b>Hours/Days</b>	<b>Maximum Sound Level</b>
(1) At a lot line of a residential use in a residential district	6:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	62 dBA
	9:00 p.m. to 7:00 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	55 dBA
(2) Lot line of a principal residential use that is not in a residential district	Same as above	65 dBA
	Same as above	62 dBA
(3) Any lot line other than (1) or (2)	All times and days	70 dBA

NOTE: dBA means "A" weighted decibel.

- B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
- (1) Sound needed to alert people about an emergency.
  - (2) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 6:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.
  - (3) Lawnmowers, snowblowers, leaf blowers, and household power tools between the hours of 6:00 a.m. and 9:00 p.m.
  - (4) Agricultural activities, livestock and other animals.
  - (5) Public celebrations specifically authorized by the Borough Council or a county, state or federal government agency or body.
  - (6) Unamplified human voices.
  - (7) Routine ringing of bells and chimes by a place of worship or municipal clock.
  - (8) Vehicles lawfully operating on a public street, railroads and aircraft.
  - (9) Snowmaking at a ski resort.

**§ 255-45. Odors and dust.**

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to normal farming activities that are exempted under the Pennsylvania Right to Farm Act.<sup>44</sup>

**§ 255-46. Control of light and glare.**

This § 255-46 shall only regulate exterior lighting that spills across lot lines or onto public streets.

- A. Streetlighting exempted. This § 255-46 shall not apply to: streetlighting that is owned, financed or maintained by the Borough or the state; or an individual porch light of a dwelling (not including a spot light).
- B. Height of lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for nonadvertising seasonal lights between October 25th and January 10th.
- F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal footcandle at a distance 10 feet inside the residential lot line.
- G. Gasoline sales canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- H. Horizontal surface lighting. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward.
- I. Nonhorizontal lighting. For lighting of predominantly nonhorizontal surfaces such as, but not limited to, facades, signs, and displays, fixtures shall be fully shielded and shall be

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44. Editor's Note: See 3 P.S. § 951 et seq.

installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.

- (1) However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

**ARTICLE VI  
Off-Street Parking and Loading**

**§ 255-47. Required number of parking spaces.**

A. Overall requirements.

- (1) Number of spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this article.
- (2) Uses not listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
- (3) Multiple uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
- (4) Parking landscaping. See §§ 255-66 and 255-67 of this chapter.

**Table 6.1 — Off-Street Parking Requirements**

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
<b>Residential Uses</b>	2 per dwelling unit.	
Dwelling unit, other than types listed separately in this table	If a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot. Off-street parking spaces shall be located outside of the street right-of-way.	

**Table 6.1 — Off-Street Parking Requirements**

<b>Use</b>	<b>Number of Off-Street Parking Spaces Required</b>	<b>Plus 1 Off-Street Parking Space for Each:</b>
Single-family detached dwelling with an accessory apartment within a neighborhood development	A combined total of 3 spaces for the 2 dwelling units. Each space shall be designed to allow each vehicle to be moved without first moving another vehicle.	
Home occupation	See § 255-39	
Housing permanently restricted to persons 62 years and older and/or the physically handicapped	1 per dwelling/rental unit, except 0.4 per dwelling/rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Nonresident employee
Boarding house	1 per rental unit or bed for adult, whichever is greater	Nonresident employee
Group home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<b>Institutional Uses:</b>	1 per 5 seats in room of largest capacity	Employee
Place of worship or church	For pews that are no individual seats, each 48 inches shall count as one seat	
Hospital	1 per 3 beds	1.2 employees
Nursing home	1 per 5 beds	1.1 employees
Assisted living facility and/or retirement community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 employees
Day care center	1 per 10 children, with spaces designed for safe and convenient dropoff and pickup	1.1 employees
School, primary or secondary	1 per 4 students aged 16 or older	1.1 employee
Utility facility	1 per vehicle routinely needed to service facility	

**Table 6.1 — Off-Street Parking Requirements**

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
College or university	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 employee
Library, community center or cultural center or museum	1 per 5 seats (or 1 per 250 square feet of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 employee
Treatment center	1 per 2 residents aged 16 years or older plus 1 per nonresident intended to be treated on site at peak times	Nonresident employee
Swimming pool, nonhousehold	1 per 50 square feet of water surface, other than wading pools	1.1 employee
<b>Commercial Uses:</b>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this chapter.	
Outdoor recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 employees
Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 employees
Retail sales (other than types separately listed and other than a shopping center)	1 per 200 square feet of floor area of rooms accessible to customers.	

**Table 6.1 — Off-Street Parking Requirements**

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
Retail sales of only furniture, lumber, carpeting, bedding or floor covering	1 per 400 square feet of floor area of rooms accessible to customers	
Shopping center involving 5 or more retail establishments on a lot	1 per 200 square feet of leasable floor area	
Tavern or nightclub or after-hours club	1 per 30 square feet of total floor area	1.1 employees
Theater or auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 employees
Trade/hobby school	1 per 2 students on site during peak use	1.1 employee
Veterinarian office	4 per veterinarian	1.1 employee
<b>Industrial Uses:</b>	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this chapter	
All industrial uses (including warehousing, distribution and manufacturing)	1 per 1.1 employee, based upon the maximum number of employees on site at peak period of times	1 visitor space for every 10 managers on the site
Self-storage development	1 per 20 storage units	1.1 employee
Auto service station or repair garage	5 per repair/service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under retail sales

**Table 6.1 — Off-Street Parking Requirements**

<b>Use</b>	<b>Number of Off-Street Parking Spaces Required</b>	<b>Plus 1 Off-Street Parking Space for Each:</b>
Auto, boat, recreational vehicle or manufactured home sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
Bed-and-breakfast use	1 per rental unit plus the 2 per dwelling unit	Nonresident employee
Bowling alley	2 per lane plus 2 per pool table	1.1 employees
Car wash	Adequate waiting and drying areas	1.1 employees
Financial institution (includes bank)	1 per 200 square feet of floor area accessible to customers, plus office parking for any administrative offices	1.1 employees
Funeral home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
Miniature golf	1 per hole	1.1 employees
Haircutting/hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 employees
Hotel or motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 employees
Laundromat	1 per 3 washing machines	On-site employee
Offices or clinic, medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 employees
Offices, other than above	1 per 300 square feet of total floor area	
Personal service use, other than haircutting/hairstyling (min. of 2 per establishment)	1 per 200 square feet of floor area accessible to customers	1.1 employees

**Table 6.1 — Off-Street Parking Requirements**

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
Indoor recreation (other than bowling alley), membership club or exercise club	1 per 4 persons of maximum capacity of all facilities	1.1 employees

**§ 255-48. General regulations for off-street parking.**

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing parking.
  - (1) Any parking spaces serving such preexisting structures or uses at the time of adoption of this chapter shall not in the future be reduced in number below the number required by this chapter.
  - (2) If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this chapter, including but not limited to requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- C. Change in use or expansion. A structure or use in existence at the effective date of this chapter that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
  - (1) If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include three parking spaces and would have been required to provide seven spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of four spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of six spaces (10 spaces minus the preexisting deficit of four equals six).
  - (2) If a nonresidential use expands by an aggregate total maximum of 5% in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this chapter, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be

required. This addition without providing new parking shall only be allowed one time per lot.

- D. Continuing obligation of parking and loading spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this chapter. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- E. Location of parking.
- (1) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a nonresidential use. A written and signed lease shall be provided, if applicable.
    - (a) The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.
- F. Reduction of parking requirements as a special exception.
- (1) Purposes. To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
  - (2) As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
    - (a) The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
    - (b) Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
      - [1] In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.

- (c) Reserved area for additional parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
- [1] Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Borough determines it is necessary. A deed restriction is recommended.
  - [2] If approved under this Subsection F(2)(c), the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Borough requirements.
  - [3] The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the Borough may require that the land be developed as parking.
  - [4] The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this chapter.

**§ 255-49. Design standards for off-street parking.**

A. General requirements.

- (1) Backing onto a street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
- (2) Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
- (3) Parking areas shall not be within a required bufferyard or street right-of-way.
- (4) Separation from street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically

separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.

- (5) Stacking and obstructions. Each lot shall provide adequate area upon the lot to prevent backup of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.

B. Size and marking of parking spaces.

- (1) Each parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet, except the minimum-size rectangle shall be eight feet by 22 feet for parallel parking.
- (2) For handicapped spaces, see Subsection F below.
- (3) All spaces shall be marked to indicate their location, except those of a one- or two-family dwelling.

C. Aisles.

- (1) Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

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

- (2) Each aisle providing access to stalls for two-way traffic shall be a minimum of 22 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45° or less.

D. Accessways and driveways.

- (1) Width requirements.

<b>Width of Driveway/Accessway at Entrance onto a Public Street, at the Edge of the Cartway*</b>	<b>1-Way Use (feet)</b>	<b>2-Way Use (feet)</b>
Minimum	12*	25*
Maximum	20*	30*

NOTE:

\* Unless a different standard is required by PennDOT for an entrance to a state road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

(2) Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

E. Paving, grading and drainage.

(1) Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

(2) Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials preapproved by the Borough.

(a) However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.

(b) If the design and material are found acceptable by the Borough Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

(c) Curbing should not be required in parking areas except where absolutely necessary to control stormwater runoff.

F. Lighting of parking areas. See § 255-46, Control of light and glare.

G. Parking for persons with disabilities/handicapped parking.

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

<b>Total No. of Parking Spaces on the Lot</b>	<b>Required Minimum No./Percent of Handicapped Parking Spaces</b>
4 to 15	1
16 to 40	2

Total No. of Parking Spaces on the Lot	Required Minimum No./Percent of Handicapped Parking Spaces
41 to 65	3
66 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- (2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
- (3) Minimum size. Each required handicapped parking space shall be eight feet by 18 feet. In addition, each space shall be adjacent to a five-foot-wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet in width instead of five feet.
- (4) Slope. Handicapped parking spaces shall be located in areas of less than 2% slope in any direction.
- (5) Marking. All required handicapped spaces shall be well marked by clearly visible signs and by pavement markings. Such signs and markings shall be maintained over time. Blue paint is recommended. The amount of the fine for violations shall be noted on signs that are visible to persons parking in the space.
- (6) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

H. Paved area setbacks (including off-street parking setbacks).

- (1) Intent: to ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in stormwater management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
- (2) Any new or expanded paved area serving a principal nonresidential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative ground cover. At least 10 feet of the planting strip shall be outside of the existing

street right-of-way. This fifteen-foot width shall be increased to 20 feet for a lot including 100 to 250 parking spaces, and to 25 feet for a lot including more than 250 parking spaces.

- (a) The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
- (b) The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough and PennDOT, as applicable, maintain the right to replace planting areas within the right-of-way with future street improvements.
- (c) Borough-approved sidewalks, recreation paths and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
- (d) The following shall be prohibited within the planting strip:
  - [1] Paving, except as allowed by Subsection H(2)(c) above, and except for street widenings that may occur after the development is completed;
  - [2] Fences; and
  - [3] Parking, storage or display of vehicles or items for sale or rent.
- (3) Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
- (4) See landscaping requirements in §§ 255-66 and 255-67.
- I. Parking setback from buildings. Parking spaces serving principal nonresidential buildings and apartment buildings shall be located a minimum of 10 feet from any principal building wall, unless a larger distance is required by another provision. This distance shall not apply at vehicle entrances into or under a building.
- J. Speed bumps. Speed bumps, speed tables and similar raised areas to reduce speeds shall be allowed on private streets and parking areas, provided the raised area is maintained in a highly visible color or pavement markings and a sign warns motorists of the raised pavement.

**§ 255-50. Off-street loading.**

- A. Each use shall provide off-street loading facilities which meet the requirements of this section sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible,

traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

- B. At the time of review under this chapter, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

**§ 255-51. Fire lanes and access.**

- A. Fire lanes shall be provided where required by state or federal regulations or other local ordinances.
- B. Access shall be also provided so that fire equipment can reach all sides of principal nonresidential buildings and multifamily/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- C. The specific locations of fire lanes and fire equipment access are subject to approval by the Borough, after review by local fire officials.

**ARTICLE VII**  
**Signs**

**§ 255-52. Applicability.**

- A. Purpose. This article is intended to promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by state law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- B. Permit required. A zoning permit shall be required for all signs except for: signs meeting the requirements of § 255-54; and nonilluminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this chapter within the applicable district shall be allowed.
- C. Changes on signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this chapter; provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this chapter.

**§ 255-53. Nonconforming signs.**

- A. Signs legally existing at the time of enactment of this chapter and which do not conform to the requirements of the chapter shall be considered nonconforming signs.
- B. An existing lawful nonconforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A nonconforming sign shall not be expanded in a manner that does not conform to this chapter.
- C. Unlawful signs. If a sign was placed without a required permit by the Borough, and does not comply with this chapter, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article I.

**§ 255-54. Miscellaneous signs not requiring permits.**

The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this article.

<b>Type and Definition of Signs Not Requiring Permits</b>	<b>Maximum No. of Signs Per Lot</b>	<b>Maximum Sign Area Per Sign<sup>1</sup> on Residential Lots<sup>2</sup> (square feet)</b>	<b>Maximum Sign Area Per Sign<sup>1</sup> on Nonresidential Lots (square feet)</b>	<b>Other Requirements</b>
Agricultural sales or Christmas tree sign: advertises the seasonal sale of agricultural products or Christmas trees	2	8	24	Shall only be posted during seasons when such products are actively offered for sale
Charitable event sign: advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity	2	4	40	Shall be placed a maximum of 30 days prior to event and removed a maximum of 7 days after event

Type and Definition of Signs Not Requiring Permits	Maximum No. of Signs Per Lot	Maximum Sign Area Per Sign <sup>1</sup> on Residential Lots <sup>2</sup> (square feet)	Maximum Sign Area Per Sign <sup>1</sup> on Nonresidential Lots (square feet)	Other Requirements
Contractor's sign: advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business	2	8	40	Shall only be permitted while such work is actively and clearly underway and a maximum of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a one-year extension is granted by the Zoning Officer. Shall not be illuminated.
Directional sign: provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising	No max.	3, in addition to signs painted on pavement	3, in addition to sign painted on pavement	Directional signs within a residential development shall not be illuminated.
Flag: a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind; see also "special sale signs" below	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this chapter, provided they do not exceed 10 in number

Type and Definition of Signs Not Requiring Permits	Maximum No. of Signs Per Lot	Maximum Sign Area Per Sign <sup>1</sup> on Residential Lots <sup>2</sup> (square feet)	Maximum Sign Area Per Sign <sup>1</sup> on Nonresidential Lots (square feet)	Other Requirements
Garage sale sign: advertises an occasional garage sales/porch sale or auction	2 per event	2 per sign	2 per sign	Shall be placed a maximum of 48 hours before permitted garage sale or auction begins, and be removed maximum of 24 hours after event ends
Home occupation sign: 1 advertises a permitted home occupation.	1	1	2	Shall not be illuminated, except a sign of a medical doctor may be externally lit; shall be set back a minimum of 10 feet from the street right-of-way, unless printed on a mailbox; may be freestanding, attached flat on a building wall or within a window
Identification sign: 1 only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising	1	1, except 2 for 6 a principal nonresidential use.	6	Maximum height of 8 feet

Type and Definition of Signs Not Requiring Permits	Maximum No. of Signs Per Lot	Maximum Sign Area Per Sign <sup>1</sup> on Residential Lots <sup>2</sup> (square feet)	Maximum Sign Area Per Sign <sup>1</sup> on Nonresidential Lots (square feet)	Other Requirements
Open house sign: advertises the temporary and periodic open house of a property for sale or rent	2 per event	4	4	Shall be placed maximum of 5 days before open house begins and be removed maximum of 24 hours after open house ends; such sign shall not be posted more than 5 consecutive days
Political sign: advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body	Maximum of 2 square feet per faces per issue or candidate	Maximum of 10 square feet per issue or candidate	Maximum of 20 square feet per issue or candidate	Shall be removed a maximum of 5 days after an election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an off-premises sign.
Public services sign: advertises the availability of rest rooms, telephone or other similar public convenience	No maximum	2	2	

Type and Definition of Signs Not Requiring Permits	Maximum No. of Signs Per Lot	Maximum Sign Area Per Sign <sup>1</sup> on Residential Lots <sup>2</sup> (square feet)	Maximum Sign Area Per Sign <sup>1</sup> on Nonresidential Lots (square feet)	Other Requirements
Real estate sign: advertises the availability of property on which the sign is located for sale, rent or lease	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a maximum of 7 days after settlement or start of lease
Service organization/place of worship sign: an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location	2	2	2	Maximum of 2 such signs per such organization or place of worship
Special sale signs: temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A portable sign may be used under this provision.	5 per lot	Not permitted	Total of 60 square feet for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 square feet.	Shall be displayed a maximum of 7 consecutive days per event, and a maximum of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.

<b>Type and Definition of Signs Not Requiring Permits</b>	<b>Maximum No. of Signs Per Lot</b>	<b>Maximum Sign Area Per Sign<sup>1</sup> on Residential Lots<sup>2</sup> (square feet)</b>	<b>Maximum Sign Area Per Sign<sup>1</sup> on Nonresidential Lots (square feet)</b>	<b>Other Requirements</b>
Time and temperature sign: with a sole purpose to announce the current time and temperature and any nonprofit public service messages	1	Not permitted	30	
Trespassing sign: indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot	No maximum	2	4	

**NOTES:**

<sup>1</sup> Maximum sign areas are for each of two sides of each permitted sign, measured in square feet.

<sup>2</sup> For the purposes of this section, a "residential lot" shall mean a lot occupied by a principal residential use, or an undeveloped lot in a residential district.

**A. In addition, the following types of signs are not regulated by this chapter:**

- (1) Historic sign: memorializes an important historic place, event or person and that is specifically authorized by the Borough or a county, state or federal agency.
- (2) Holiday decorations: commemorates a holiday recognized by the Borough, county, state or federal government and that does not include advertising.
- (3) Not readable sign: not readable from any public street or any exterior lot line.
- (4) Official sign: erected by the state, county, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance or resolution, and which exists for public purposes.
- (5) Required sign: only includes information required to be posted outdoors by a government agency or the Borough.

- (6) Right-of-way sign: posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

**§ 255-55. Freestanding, wall and window signs (on-premises signs).**

A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to exempt signs and temporary signs permitted in all districts by other provisions of this article. See definitions of the types of signs in § 255-62. However, if a commercial building faces two different public streets, then a maximum of five wall signs shall be allowed on each side of the building that faces onto the street, per establishment.

<b>Zoning District or Type of Use</b>	<b>Total Maximum Height of Freestanding Signs</b>	<b>Total Maximum Area of Wall Signs</b>	<b>Total Maximum Area of Window Sign</b>	<b>Total Maximum Area and Number of Freestanding Sign</b>
Residential districts, with signs in this table limited to allowed principal nonresidential uses  For home occupation signs, see § 255-54. No new signs in these districts shall be internally illuminated.  See also entrance signs for major residential developments in § 255-64.	8 feet	30 square feet on each side of a principal nonresidential building	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 30 square feet

Zoning District or Type of Use	Total Maximum Height of Freestanding Signs	Total Maximum Area of Wall Signs	Total Maximum Area of Window Sign	Total Maximum Area and Number of Freestanding Sign
V Village District	12 feet	10% of the area of the building side on which the signs are attached, but in no case exceeding an absolute maximum of 200 square feet per establishment <sup>2</sup>	Temporary nonilluminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 30 square feet <sup>1</sup>
C and any other district not listed above There shall be a maximum of 5 wall signs per establishment.	15 feet	10% of the area of the building side on which the signs are attached, but in no case exceeding an absolute maximum of 200 square feet per establishment. <sup>2</sup>	Temporary nonilluminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 40 square feet. <sup>1</sup> If a subdivision involves 3 or more commercial or industrial lots, then one additional freestanding sign shall be allowed at an entry to the subdivision with a maximum sign area of 60 square feet.

## NOTES:

- <sup>1</sup> If a lot includes two or more distinct principal nonresidential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal nonresidential use beyond the first nonresidential use. For example, in the C District, if a lot includes three such uses, the maximum freestanding sign area shall be 40 plus 20 equals 60 square feet. For a lot with six or more retail establishments, the maximum freestanding sign height shall be 25 feet.
  - <sup>2</sup> There shall be a maximum of five wall signs per establishment. However, if a commercial building faces two different public streets, then a maximum of five wall signs shall be allowed on each side of the building that faces onto the street, per establishment.
- B. Maximum height of wall signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a parapet roof that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.
- C. Portable signs (including signs on mobile stands) and other temporary signs.
- (1) Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this chapter.
  - (2) Definition of a "portable sign": a freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
  - (3) Portable signs are prohibited in all districts, except as a temporary charitable event sign permitted by § 255-54.
  - (4) Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.
- D. Wiring of signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.
- E. Signs on freestanding walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of six feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this chapter and with the wall itself not counting towards the maximum sign area.

**§ 255-56. Abandoned or outdated signs.**

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

**§ 255-57. Location of signs.**

The following shall regulate the location of signs:

**A. Setbacks.**

- (1) All signs shall be set back a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way. However, a directional sign showing entrances and exits may be located without a ten-foot setback.
- (2) A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet from an abutting lot line of a principally residential lot.
- (3) These setbacks shall not apply to official signs, nameplate signs, public service signs and directional signs.

**B. Sight clearance.** No sign shall be so located that it interferes with the sight clearance requirements of § 255-66.**C. Off-premises.** No signs except permitted off-premises, official, political or public service signs shall be erected on a property to which it does not relate. A major development sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.**D. Permission of owner.** No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.**E. Utility poles.** No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.**§ 255-58. Illumination of signs.**

See § 255-46, Control of light and glare.

**§ 255-59. Vehicles functioning as signs.**

Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

**§ 255-60. Prohibited signs.**

The following prohibitions on signs shall apply in all zoning districts:

- A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in § 255-54.
- B. Flashing, blinking, twinkling, animated scrolling or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least one full minute, except time and temperature signs may change more frequently.
  - (1) In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within § 255-54.
- C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- D. Signs which contain information that states that a lot may be used for a purpose not permitted under this chapter are prohibited.
- E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- H. Floodlights and outdoor lasers for advertising purposes are prohibited.
- I. To avoid distractions to motorists, neon lighting of more than 10 square feet per lot shall be prohibited as part of signs and if attached to the outside of a building.

**§ 255-61. Construction of signs.**

Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall, by written notice, require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.

**§ 255-62. Measurement and major types of signs.**

- A. Sign definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this article:

- (1) Building face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
- (2) Freestanding sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
- (3) Height of sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this article when attached to a tower or spire of a place of worship.
- (4) Illuminated sign, internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be externally illuminated.
- (5) Off-premises sign. See Article II.
- (6) Sign. See Article II.
- (7) Wall sign. A sign primarily supported by or painted on a wall of a building. A wall sign may also be displayed upon an awning or canopy, provided other requirements of this chapter are met.
- (8) Window sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

B. Measurement of sign area.

- (1) Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One freestanding sign may include several signs that are all attached to one structure, with the total sign area being the area of a common geometric form that could encompass all signs.
- (2) The sign area shall not include any structural supports that do not include a message.
- (3) Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
- (4) The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
- (5) Unless otherwise specified, all square footages in regards to signs are maximum sizes.

**§ 255-63. Off-premises signs (including billboards).**

- A. Purposes. Off-premises signs are controlled by this chapter for the following purposes: to ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; to prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; to prevent glare on adjacent property and streets; to avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; to recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media; to carry out the purposes listed in § 255-52.
- B. Nonconforming off-premises signs. This section is not intended to require the removal of an existing lawfully-placed off-premises sign that is in structurally sound condition.
- C. PennDOT sign. Signs erected and maintained by PennDOT are permitted by right in all districts.
- D. Permitted off-premises signs. Except for other types of signs that are specifically allowed by this section to be off-premises, an off-premises sign is only permitted if it meet the following requirements:
- (1) District. An off-premises sign is only permitted in the C District.
  - (2) Location. An off-premises sign shall be set back a minimum of 25 feet from all lot lines and street rights-of-way.
  - (3) Maximum total sign area on each of two sides: three hundred square feet in the C District. Such size may be composed of two or more sign faces, provided the maximum total sign area is met.
  - (4) Spacing. Any off-premises sign shall be separated by a minimum of 1,000 feet from any other off-premises sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premises sign, except as allowed in Subsection D(6) below.
  - (5) Maximum height. Thirty-five feet above the elevation of the adjacent street, measured at the street center line.
  - (6) Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign, except that a sign of 300 square feet may have two sign faces of 300 square feet each, provided the angle between the signs does not exceed 45°.
  - (7) Control of lighting and glare. See standards in § 255-46. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes.
  - (8) Residences. No off-premises sign greater than 20 square feet in sign area shall be located within 200 feet from an existing dwelling.

- (9) Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.

ARTICLE VIII  
**General Regulations**

**§ 255-64. Frontage onto improved streets; number of uses or buildings; minimum size of dwellings.**

- A. Frontage required onto improved street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of Chapter 220, Subdivision and Land Development. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Borough standards.
- B. Number of principal uses and principal buildings per lot.
- (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
- (a) For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
- (b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
- (c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.
- (2) A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this chapter.
- (a) A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves to the

satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

- C. Minimum size of dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.
- D. Maximum occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

**§ 255-65. Height exceptions.**

The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this chapter, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also the definition of "height" in § 255-26 and provisions in § 255-33B.

**§ 255-66. Special lot and yard requirements; sight distance and bufferyards.**

- A. In general.
  - (1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
  - (2) Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.
- B. Exceptions to minimum lot areas, lot widths and yards.
  - (1) Corner lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "lot, corner" in § 255-26.
  - (2) Projections into required yards.
    - (a) Cornices, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, outside doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space

usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement.

- (b) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
  - (c) For decks and porches, see § 255-33.
- (3) Lot widths around curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60% of the width that would otherwise be required.
- C. Sight clearance at intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of three feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the center line of the right-of-way line of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the center lines of the streets. A third, longer leg shall connect the two legs along the center lines to form the triangle.
- (1) However, in place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet beyond the right-of-way of the arterial street.
  - (2) The clear sight triangle shall be kept free of such obstructions in perpetuity.
- D. Bufferyards. Bufferyards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this chapter:
- (1) A minimum thirty-foot-wide bufferyard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal nonresidential purposes that is contiguous to a lot occupied by an existing principal dwelling or an undeveloped residentially zoned lot.
    - (a) If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum bufferyard width along such manufacturing area and/or loading dock shall be increased to 70 feet, and the minimum initial height of plantings shall be increased to six feet.
    - (b) If a dwelling will be on the same lot as a principal business use, then a bufferyard shall not be required by this section.
    - (c) A ten-foot minimum bufferyard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.

- (d) A bufferyard is also required to be provided by the following if they are abutting and visible from a public street:
- [1] Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area; or
  - [2] Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of two or more tractor-trailer trucks or trailers of tractor-trailers.
- (2) A required yard may overlap a required bufferyard, provided the requirement for each is met. The bufferyard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Borough may allow deciduous canopy trees.
- (3) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- (4) Fence. Any wall or fence in a buffer yard shall be placed on the inside (nonresidential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the bufferyard.
- (5) Each planting screen shall meet the following requirements:
- (a) Plant materials needed to form the visual screen shall have a minimum height when planted of four feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the finished ground level, shall be placed for each 50 feet of length of the bufferyard. The shade trees may be clustered or spaced unevenly.
  - (b) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three years a mostly solid year-round visual screen at least six feet in height.
  - (c) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
  - (d) The plant visual screen shall extend the full length of the lot line, except for: Borough-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot; locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back; and locations needed to meet other specific state, Borough and utility requirements, such as stormwater swales.
  - (e) American arborvitae and similar weak-stem plants shall not be used to meet the bufferyard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix

of species. If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.

- (f) Evergreen trees should be planted at diagonal offsets so that there is room for future growth of the trees.
  - (g) The plant screening shall primarily use evergreen trees.
  - (h) If existing healthy trees with a trunk diameter of six inches or greater (measured 4.5 feet above the ground level) exist within the buffer yard, they shall be preserved to the maximum extent feasible. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
  - (i) The use of earth berms in combination with landscaping is encouraged within buffer yards to provide additional protection to dwellings and residential areas. An earth berm may be required as a condition of a conditional or special exception use approval.
- (6) Bufferyard plans.
- (a) Prior to the issuance of a permit under this chapter where a bufferyard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
    - [1] The location and arrangement of each bufferyard;
    - [2] The placement, general selection of species and initial size of all plant materials; and
    - [3] The placement, size, materials and type of all fences to be placed in such bufferyard.

#### **§ 255-67. Landscaping.**

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. See also the bufferyard provisions in § 255-66.
- C. Street trees. As part of the creation of a new lot or the construction of a new principal nonresidential building, or development of parking area for six or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

- (1) Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
- (2) Location. Such trees shall be placed immediately outside of the street right-of-way, or an alternative location acceptable to the Borough Council.
- (3) Ordinance. Such street trees shall be planted in a manner approved by the Borough Engineer to avoid conflicts with sidewalks and utilities.
- (4) Buffer. Where shade trees may be required under the bufferyard provisions, the same tree may be used to count towards both requirements.
- (5) The street trees shall meet the requirements of § 255-67D.
- (6) This requirement for street trees shall not apply for an agricultural or single-family detached residential lot of more than three acres.

D. Parking lot landscaping.

- (1) A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
- (2) If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
- (3) Deciduous trees required by this section shall meet the following standards:
  - (a) Type of trees permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Borough Shade Tree Commission or Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

**Permitted Types of Deciduous Trees**

*Acer rubrum* — Red maple

*Acer saccharum* — Sugar maple

*Carpinus betulus* — European hornbeam

*Celtis occidentalis* — Common hackberry

*Fagus sylvatica* — European beech

*Fraxinus americana* — White ash

*Fraxinus Pennsylvania* — Green ash

*Ginkgo biloba fastigiata* — Maidenhair tree (male only; female has noxious odor)

*Gleditsia triacanthos* — Thornless locust

*Liriodendron tulipifera* — Tulip poplar

*Ostrya virginiana* — Hop hornbeam

**Permitted Types of Deciduous Trees**

Quercus — All species of oaks  
 Sophora japonica — Scholar tree/Pagoda tree  
 Tilia americana — American linden  
 Tilia cordata — Littleleaf linden  
 Tilia euchlora — Crimean linden  
 Tilia petiolaris — Silver linden  
 Ulmus hybrids — Homestead or Sapporo Autumn Gold  
 Ulmus parviflora — Chinese or Lacebark elm, not including Siberian elm  
 Zelkova serrata — Zelkova

NOTE: This chapter only regulates the species of trees that are used to meet requirements of the Borough. The species of trees that are not required by Borough ordinances are not regulated.

- (b) Quality of trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- (c) Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
- (d) Planting and maintenance. Required trees shall be:
  - [1] Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and
  - [2] Properly protected by curbs, curbstops, distance or other devices from damage from vehicles.
- E. Parking lot landscaping. A minimum vegetative area shall be provided that includes at least a four-foot minimum radius around all sides of the trunk of each required deciduous tree within or adjacent to a parking lot.
- F. Review and approval. Where landscaping is required by this chapter, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- G. Landscape maintenance. All shade tree, bufferyard and other landscaping required by this chapter shall be perpetually maintained by the property owner. Any landscaping needed to meet an ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- H. Stormwater basin landscaping. The following requirements shall apply to landscaping within and around stormwater management basins covering more than 20,000 square feet in land area:

- (1) All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
- (2) Trees and shrubs shall be planted around stormwater basins. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin, such as within 30 feet from the outlet/drain structure, emergency spillway or dam. A minimum average of two trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Such perimeter shall be measured at the elevation of the top of the berm. Such trees and shrubs shall be in addition to other Borough requirements. Trees shall have an initial trunk diameter of two inches, measured six inches above the ground. Shrubs shall have an initial height of four feet.
- (3) Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or nonaggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Borough Engineer.
- (4) Lawn grass areas may be sodded or hydroseeded to minimize erosion during the establishment period. Once established, turfgrass areas on non-wet areas of the basin shall be maintained at a height of not more than eight inches.
- (5) To the maximum extent feasible, stormwater basins shall be designed with slopes that blend with the surrounding topography. Areas intended to be mowed shall have a maximum slope of 3:1.

**§ 255-68. Nonconformities.**

- A. Proof and registration of nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation of nonconformities.
  - (1) A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners.
  - (2) Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
  - (3) If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- C. Expansion of or construction upon nonconformities. The following shall apply, unless the structure is approved under Subsection D.

- (1) Nonconforming structure.
  - (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
    - [1] That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity; and
    - [2] That any expanded area will comply with the applicable setbacks in that district and other requirements of this chapter, except as may be allowed under Subsection C(1)(c) below.
  - (b) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.
  - (c) As a special exception, the Zoning Hearing Board may approve a reduction of up to 50% in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition of such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a unit for care of relative.
- (2) Nonconforming lots.
  - (a) Permitted construction on a nonconforming lot. A single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot, provided all of the following additional requirements are met:
    - [1] The lot must be a lawful nonconforming lot of record;
    - [2] Minimum setback requirements shall be met;
    - [3] State and federal wetland regulations shall be met;
    - [4] If a septic or well is used, the requirements for such shall be met.
  - (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.
- (3) Expansion of a nonconforming nonresidential use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
  - (a) An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article I.

- (b) Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
  - (c) The total building floor area used by a nonconforming use or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the nonconforming use at the time the use first became nonconforming.
    - [1] The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
    - [2] The maximum total land area covered by a nonconforming junkyard shall not be expanded by more than 25% over the lifetime of the use, except that such percentage shall be 50% if:
      - [a] The entire area of junk storage is set back a minimum of 40 feet from any lot line of an existing dwelling and any street right-of-way; and
      - [b] The entire area of junk storage is surrounded by preservation of existing vegetation and/or new trees and shrubs according to a planting plan approved by the Zoning Hearing Board.
  - (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter, unless the Zoning Hearing Board grants a variance.
  - (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted by right use provided that: the number of dwelling units or rooming house units are not increased; the expansion meets all applicable setbacks; no new types of nonconformities are created; and a nonconformity is not made more severe.
  - (5) Nonconforming sign. The provisions of this chapter shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter.
- D. Damaged or destroyed nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: the application for a building permit is submitted within 18 months after the date of damage or destruction; work begins in earnest within 12 months afterward the building permit is issued and continues; and no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a nonconformity.

- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - (a) As provided for in Subsection D, Damaged or destroyed nonconformities.
- (2) The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
- (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this chapter.

F. Changes from one nonconforming use to another.

- (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
- (2) A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
- (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting nonconforming use with regard to:
  - (a) Traffic safety and generation (especially truck traffic);
  - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards;
  - (c) Amount and character of outdoor storage;
  - (d) Hours of operation if the use would be close to dwellings; and
  - (e) Compatibility with the character of the surrounding area.
- (4) A nonconforming use shall not be changed to a nonconforming adult use.

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

**§ 255-69. Dumpster screening and location.**

- A. Site plans submitted to the Borough shall show the proposed location of any garbage dumpsters. The Borough may require that such proposed location be modified to provide compatibility with adjacent uses.

- B. Garbage dumpsters shall be surrounded on at least three of four sides by a solid fencing, wall or landscaping if the dumpster would be visible from a street or a residential lot.



ZONING

*255 Attachment 1*

**Borough of Bonneauville**

**Zoning Map Amendments**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
72	4-18-1995	<ol style="list-style-type: none"><li>1. Changing the classification of 4.33 acres situate along Pa. Route 116 in the Borough from Residential-Limited to Commercial.</li><li>2. Changing the classification of other certain land situate along Pa. Route 116 in the Borough from Residential-Urban to Commercial.</li></ol>
73	5-16-1995	Changing the classification of 31.9917 acres situate in the Bonnie Field Development from Residential Suburban (R-S) to Residential Urban (R-U)



ZONING

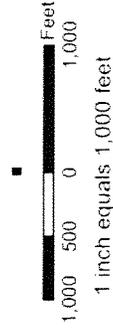
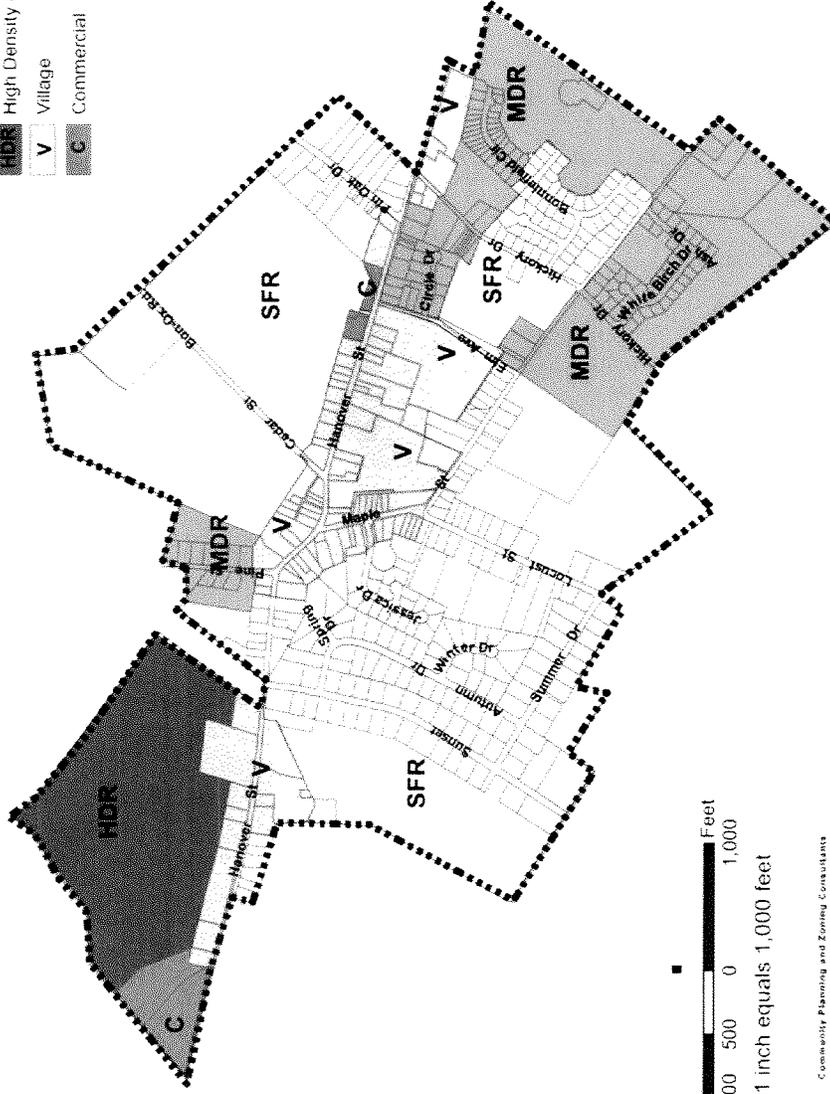
2.55 Attachment 2

Borough of Bonneauville

Bonneauville Borough  
Zoning Map

As Adopted April 17, 2007

- MDR** Mixed Density Residential
- SFR** Single Family Residential
- HDR** High Density Residential
- V** Village
- C** Commercial



**URDC**  
Community Planning and Zoning Consultants  
Urban Research & Development Corporation  
41 West Broad Street • Deciduous, Philadelphia, PA 19106 • 215-263-1100

Base information provided by  
Adams County Planning Office 2003



ZONING

255 Attachment 3

**Borough of Bonneauville**

**Table of Allowed Uses  
Primarily Residential Zoning Districts (§ 255-32)**

**KEY:**

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Borough Council)
- N = Not permitted
- (§ 255-38) = See additional requirements in § 255-38
- (§ 255-39) = See additional requirements in § 255-39

**Types of Uses**

**Zoning Districts**

(See definitions in Article II)

**SFR     MDR     HDR**

**a. Residential Uses**

Single-family detached dwelling:	P	P	P
(Note: Manufactured/mobile homes shall also meet the additional requirements of § 255-38.)			
Twin dwelling (side-by-side)	N	P	P
Townhouse (rowhouse) (§ 255-38)	N	P	P
Apartments (§ 255-38), not including conversions of an existing building:			
Only 2 dwelling units in a building (duplex)	N	P	P
3 or more dwelling units in a building	N	P	P
Manufactured/mobile home park (§ 255-38)	N	N	C
Boarding house (includes rooming house) (§ 255-38)	N	N	SE
Group home within a lawful existing dwelling unit (§ 255-38), not including a treatment center	P	P	P
Conversion of an existing building to result in an increased number of dwelling units	N	N	SE
(See also "unit for care of relative" under Accessory Uses)			

**b. Commercial Uses**

Bed-and-breakfast inn (§ 255-38)	N	N	SE
Camp (§ 255-38), not including recreational vehicle campground	N	N	N

BONNEAUVILLE CODE

Types of Uses (See definitions in Article II)	Zoning Districts		
	SFR	MDR	HDR
Communications tower/antennas, commercial (§ 255-38)			
Meeting § 255-38A(15)(a) pertaining to antenna placed on certain existing structures	P	P	P
Antennae/tower that does not meet § 255-38A(15)(a) (such as freestanding towers)	N	N	N
Golf course (§ 255-38), with minimum lot area of 50 acres	P	P	P
Kennel (§ 255-38)	N	N	SE
Plant nursery or tree farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a two-acre minimum lot area	P	P	P
<b>c. Institutional/Semipublic Uses</b>			
Cemetery (not including crematorium) (§ 255-38)	P	P	P
Church – see place of worship below			
College or university – educational and support bldgs. (other than environmental education center)	N	N	N
Community recreation center or library	N	P	P
Cultural center or museum	N	N	SE
Day-care center, adult (§ 255-38)	N	N	SE
Day-care center, child (§ 255-38) (See also as an accessory use)	N	SE	P
Emergency services station	SE	SE	SE
Membership club meeting and noncommercial recreational facilities, provided that an after-hours club, tavern or uses listed separately in this § 255-32 shall only be allowed if so listed in this table and if the requirements for that use are also met	N	N	N
Nursing home or personal care home/assisted living (§ 255-38)	N	SE	SE
Place of worship (§ 255-38) (includes church)	SE	SE	SE
School, public or private, primary or secondary (§ 255-38)	P	P	P
<b>d. Public/Semipublic</b>			
Borough government uses, other than uses listed separately in this § 255-32	P	P	P
Government facility, other than uses listed separately in this § 255-32	SE	SE	SE

## ZONING

<b>Types of Uses</b>	<b>Zoning Districts</b>		
	<b>SFR</b>	<b>MDR</b>	<b>HDR</b>
(See definitions in Article II)			
Publicly owned or operated recreation park	P	P	P
Public utility facility (see also § 255-20) other than uses listed separately in this § 255-32	SE	SE	SE
Swimming pool, non-household (§ 255-38)	SE	SE	SE
U.S. postal service facility, which may include a leased facility	N	N	N
<b>e. Accessory Uses</b>			
See list of additional permitted uses in § 255-32C, such as residential accessory structure or use			
See additional requirements in § 255-39 for specific accessory uses			
Bees, keeping of (§ 255-39)	P	P	P
Composting, in addition to materials generated on-site which is permitted by right in all districts (§ 255-39)	N	N	N
Day-care center accessory to and on the same lot as an existing lawful place of worship	P	P	P
Day care (§ 255-39) as accessory to a dwelling:			
Day care of a maximum of 3 adults or youth, in addition to relatives of the caregiver	P	P	P
Group day-care home	N	N	SE
Family day-care home	SE	SE	SE
Home occupation, general (§ 255-39)	SE	SE	SE
Home occupation, light (§ 255-39)	P	P	P
Retail sales of agricultural products (§ 255-39)	P	P	P
Stable, household – See under “pets, keeping of”	P	P	P
Target practice for firearms	N	N	N
Temporary retail sales – shall only occur if allowed by § 255-9G			
Unit for care of relative (§ 255-39), except special exception approval shall be required if a new detached building will be constructed or placed on the lot	P	P	P
<b>f. Miscellaneous Uses</b>			
Crop farming and wholesale greenhouses	P	P	P
Forestry – see timber harvesting below			

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Types of Uses (See definitions in Article II)	Zoning Districts		
	SFR	MDR	HDR
Groundwater or spring water withdrawal, averaging more than 100,000 gallons per day removed from a tract for off-site consumption (§ 255-38) (Not including on-site beverage bottling)	SE	SE	SE
Nature preserve or environmental education center, with a ten-acre minimum lot area for any use involving a principal building	P	P	P
Parking lot as the principal use of a lot	N	N	N
Livestock or poultry, raising of (§ 255-38)			
Not intensive	SE	SE	SE
Intensive	N	N	N
Sewage sludge/biosolids, land application of (§ 255-39)	N	N	N
Sewage treatment plant	N	N	P
Stable, non-household (§ 255-38; includes horse-riding academy) (see also “pets” in § 255-39)	N	N	SE
Timber harvesting (§ 255-38)	P	P	P
Windmills, which shall be required to have a setback equal to the total height from all lot lines, except that if placed above a building, only the height of the pole and windmill needs to be set back from lot lines:			
Maximum of 1 windmill per lot	P	P	P
2 or more windmills per lot	N	N	C
All uses that will be unable to comply with the performance standards of this chapter. See the environmental protection requirements of Article V	N	N	N

## ZONING

### Table of Allowed Uses Primarily Business Zoning Districts

**KEY:**

- \* A maximum of 20% of the lot may be covered with outdoor storage.
- \*\* Shall be allowed under the same regulations as the SFR district, instead of the regulations of the C District.
- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- C = Conditional use (zoning decision by Borough Council)
- N = Not permitted
- (§ 255-38) = See additional requirements in § 255-38
- (§ 255-39) = See additional requirements in § 255-39

Types of Uses	Zoning Districts	
(See definitions in Article II)	V	C
<b>a. Residential Uses</b>		
Single-family detached dwelling	P	P**
(Note: Manufactured/mobile homes shall meet the additional requirements of § 255-38.)		
Twin dwelling (side-by-side)	P	N
Townhouse (rowhouse) (§ 255-38)	N	N
Boarding house (includes rooming house) (§ 255-38)	N	SE
Group home within a lawful existing dwelling (§ 255-38), not including a treatment center	P	P
Conversion of an existing building to result in an increased number of dwelling units (see also “unit for care of relative” under Accessory Uses)	SE	SE
<b>b. Commercial Uses</b>		
Adult use (§ 255-38)	N	SE
After-hours club (Note: This use is effectively prohibited by State Act 219 of 1990. <sup>1</sup> )	N	N
Airport (§ 255-38) (see also “heliport”)	N	N
Amusement arcade	N	P
Amusement park or water park	N	P
Animal cemetery (§ 255-38)	N	P
Auditorium (commercial), arena, performing arts center or exhibition-trade show center	N	P

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<sup>1</sup> Editor's Note: See 18 Pa.C.S.A. § 7327.

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Types of Uses	Zoning Districts	
(See definitions in Article II)	V	C
Auto repair garage or auto service station (§ 255-38)	N	SE
Auto, boat or mobile/manufactured home sales (§ 255-38)	N	P
Bakery, retail	P	P
Bed-and-breakfast inn (§ 255-38)	P	P
Betting use, in compliance with state law	N	N
Beverage distributor (wholesale and/or retail)	SE	P
Bus maintenance or storage yard	N	P
Camp (§ 255-38), other than recreational vehicle campground	N	N
Campground, recreational vehicle (§ 255-38), which may include an accessory camp store that is primarily for use by campers	N	N
Car wash (§ 255-38)	N	P
Catering, custom, for off-site consumption	P	P
Communications tower/antennae, commercial (§ 255-38)		
Meeting § 255-38A(15)(a) pertaining to antenna placed on certain existing structures	P	P
Antennae/tower that does not meet § 255-38A(15)(a) (such as freestanding towers)	N	SE
(Note: § 255-38A(15)(a) also allows towers serving emergency services stations.)		
Conference center	P	P
Construction company or tradesperson's headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as home occupation.	P	P
Accessory outdoor storage shall be permitted provided it meets the screening requirements of § 255-66.	SE*	P
Crafts or artisan's studio (see also as home occupation)	P	P
Custom printing, copying, faxing, mailing or courier service	P	P
Exercise club	P	P
Financial institution (§ 255-38; includes banks), with any drive-through facilities meeting § 255-39	P	P
Flea market/auction house	P	P
Funeral home (§ 255-38)	P	P
Garden center, retail (see also "wholesale greenhouses")	P	P

## ZONING

Types of Uses	Zoning Districts	
(See definitions in Article II)	V	C
Gas station – see auto service station		
Golf course (§ 255-38), with a minimum lot area of 25 acres	P	P
Heliport (§ 255-38)	N	N
Horse-riding academy – see stable under miscellaneous uses		
Hotel or motel (§ 255-38)	P	P
Kennel (§ 255-38)	N	SE
Laundromat	P	P
Laundry, commercial or industrial	N	P
Lumber yard	N	P
Motor vehicle racetrack (§ 255-38)	N	N
Nightclub (§ 255-38)	N	C
Office (May include medical labs, see also home occupations)	P	P
Pawn shop	N	P
Personal services (includes tailoring, custom dressmaking, haircutting/styling, dry cleaning, shoe repair, certified massage therapy and closely similar uses) (see also home occupation)	P	P
Picnic grove, private (§ 255-38)	SE	P
Plant nursery (other than a retail garden center)	P	P
Propane retail distributor, with a maximum storage capacity of 100,000 cubic feet and a 150 feet minimum setback between any storage or dispensing facilities and any residential district, and with fire company review	N	C
Recording studio, music	P	P
Recreation, commercial indoor (§ 255-38) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this § 255-32	SE	P
Recreation, commercial outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this § 255-32	N	P
Repair service, household appliance	P	P
Restaurant or banquet hall (§ 255-38)		
With drive-through service (§ 255-39)	N	P
Without drive-through service	P	P

BONNEAUVILLE CODE

<b>Types of Uses</b>	<b>Zoning Districts</b>	
(See definitions in Article II)	<b>V</b>	<b>C</b>
Retail store (not including uses listed individually in this § 255-32) or shopping center	P	P
Any drive-through service shall meet the requirements of § 255-39 for drive-through service and shall only be allowed in the C District		
Self-storage development	N	P
Target range, firearms		
Limited to use by residents or owners of a lot	N	P
Completely indoor and enclosed	N	P
Other than above (§ 255-38)	N	N
Tattoo or body piercing establishment (other than temporary tattoos or ear piercing, which are personal service uses)	N	P
Tavern which may include a state-licensed microbrewery (not including an after hours club or nightclub)	N	SE
Theater, indoor movie, other than an adult use	N	P
Trade/hobby school	N	P
Veterinarian office (§ 255-38)	N	P
Wholesale sales – see under industrial uses		
<b>c. Institutional/Semipublic Uses</b>		
Cemetery (see crematorium, listed separately)	P	P
College or university – educational and support buildings	P	P
Community recreation center (limited to a government sponsored or nonprofit facility) or library	P	P
Crematorium	N	SE
Cultural center or museum	P	P
Day-care center, adult (§ 255-38)	P	P
Day-care center, child (§ 255-38) (See also as an accessory use)	P	P
Dormitory as accessory to a college, university or primary or secondary school	N	SE
Emergency services station	P	P
Hospital or surgery center	SE	P
Membership club meeting and noncommercial recreational facilities, provided that an after-hours club, tavern or uses listed separately in this § 255-32 shall only be allowed if so listed in	P	P

## ZONING

<b>Types of Uses</b>	<b>Zoning Districts</b>	
(See definitions in Article II)	V	C
this table and if the requirements for that use are also met.		
Nursing home or personal care home/assisted living (§ 255-38)	P	P
Place of worship (§ 255-38) (includes church)	P	P
School, public or private, primary or secondary (§ 255-38)	P	P
Treatment center (§ 255-38)	N	SE
<b>d. Public/Semipublic</b>		
Borough government uses, other than uses listed separately in this § 255-32	P	P
Government facility, other than uses listed separately in this § 255-32	SE	SE
Prison or similar correctional institution	N	N
Publicly owned or operated recreation park	P	P
Public utility facility (see also § 255-20) other than uses listed separately in this § 255-32	SE	SE
Swimming pool, non-household (§ 255-38)	P	P
U.S. Postal service facility, which may include a leased facility	P	P
<b>e. Industrial Uses</b>		
Asphalt plant	N	N
Assembly or finishing of products using materials produced elsewhere (such as products from plastics manufactured off-site)	N	N
Building supplies and building materials, wholesale sales of	N	P
Distribution as a principal use or a trucking company terminal	N	N
Industrial equipment sales, rental and service, other than vehicles primarily intended to be operated on public streets	N	P
Junk – outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N
Junkyard (§ 255-38)	N	N
Liquid fuel storage, bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, prepackaged sales or fuel tanks for company vehicles	N	N
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:		
Agricultural chemicals, fertilizers or pesticides	N	N

BONNEAUVILLE CODE

Types of Uses	Zoning Districts	
	V	C
(See definitions in Article II)		
Apparel, textiles, shoes and apparel accessories (see also crafts studio)	N	N
Cement manufacture	N	N
Ceramics products (other than crafts studio)	N	N
Chemical products, other than pharmaceuticals and types listed separately	N	N
Clay, brick, tile and refractory products	N	N
Computers and electronic and microelectronic products	N	N
Concrete, cement, lime and gypsum products, other than actual manufacture of cement	N	N
Electrical equipment, appliances and components	N	N
Explosives, fireworks or ammunition	N	N
Fabricated metal products (except explosives, fireworks or ammunition)	N	N
Food and beverage products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this § 255-32)	N	N
Gaskets	N	N
Glass and glass products (other than crafts studio)	N	N
Incineration, reduction, distillation, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal (other than within an approved solid waste facility)	N	N
Jewelry and silverware	N	N
Leather and allied products (other than crafts studio or tannery)	N	N
Machine shop	N	SE
Machinery	N	N
Manufactured or modular housing manufacture	N	N
Medical equipment and supplies	N	N
Metal products, primary	N	N
Mineral products, nonmetallic (other than mineral extraction)	N	N
Paper and paper products (including recycling)	N	N
Paving materials, other than bulk manufacture of asphalt	N	N

## ZONING

<b>Types of Uses</b>	<b>Zoning Districts</b>	
(See definitions in Article II)	<b>V</b>	<b>C</b>
Pharmaceuticals and medicines	N	N
Plastics, polymers, resins, vinyl, coatings, cleaning compounds, soaps, adhesives, sealants, printing ink or photographic film	N	N
Products from previously manufactured materials, such as glass, leather, plastics, cellophane, fiberglass, textiles, rubber or synthetic rubber	N	SE
Roofing materials and asphalt saturated materials or natural or synthetic rubber	N	N
Scientific, electronic and other precision instruments	N	N
Sporting goods, toys, games, musical instruments or sign manufacture	N	N
Transportation equipment	N	N
Wood products and furniture	N	SE
See § 255-11 for uses that are not listed		
Mineral extraction (§ 255-38) and related processing, stockpiling and storage of materials removed from the site	N	N
Packaging	N	N
Package delivery services distribution center	N	N
Petroleum refining	N	N
Photo processing, bulk	N	P
Printing or bookbinding	N	N
Recycling center, bulk processing, provided all operations of an industrial scale occur within an enclosed building	N	N
Research and development, engineering or testing facility or laboratory (other than medical laboratories, which is considered an office use)	N	N
Sawmill/planing mill	N	N
Slaughterhouse, stockyard or tanneries	N	N
Solid waste transfer or waste to energy facility (§ 255-38)	N	N
Warehousing or storage as a principal use	N	N
Warehousing or storage as an on-site accessory use	N	P
Welding	N	P
Wholesale sales (other than motor vehicles)	N	P

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<b>Types of Uses</b>	<b>Zoning Districts</b>	
(See definitions in Article II)	<b>V</b>	<b>C</b>
<b>f. Accessory Uses</b>		
See list of additional permitted uses in § 255-32C, such as residential accessory structure or use		
See additional requirements in § 255-39 for specific accessory uses		
Bees, keeping of (§ 255-39)	P	P
Composting (§ 255-39), other than materials generated on-site which are permitted by right	N	SE
Day care center accessory to and on the same lot as an existing lawful place of worship	P	P
Day care (§ 255-39) as accessory to a dwelling:		
Day care of a maximum of 3 adults or youth, in addition to relatives of the caregiver	P	P
Group day-care home	SE	SE
Family day-care home	SE	P
Home occupation, general (§ 255-39)	SE	SE
Home occupation, light (§ 255-39)	P	P
Outdoor storage and display as accessory to a business use, which shall also comply with §§ 255-39, 255-66 and 255-67	P	P
Retail sales of agricultural products (§ 255-39)	P	P
Temporary retail sales – see § 255-9G	P	P
Unit for care of relative (§ 255-39)	P	P
<b>g. Miscellaneous Uses</b>		
Crop farming and wholesale greenhouses	P	P
Groundwater or spring water withdrawal, averaging more than 100,000 gallons per day removed from a tract for off-site consumption (§ 255-38) (see also requirements for food and beverage bottling and processing under industrial uses)	C	C
Nature preserve or environmental education center	P	P
Parking lot or structure:		
As a principal use that primarily serves tractor-trailer trucks or trailers	N	N
Other	P	P
Livestock or poultry, raising of (§ 255-38):		

## ZONING

### Types of Uses

(See definitions in Article II)

Intensive

Not intensive

Sewage sludge/biosolids, land application of (§ 255-39)

Sewage treatment plant

Stable, non-household (§ 255-38; includes horse-riding academy)

Timber harvesting (§ 255-38)

Windmill, maximum of 1 per lot, which shall be required to have a setback equal to the total height from all lot lines of existing dwellings and residential districts, except that if placed above a building, only the height of the pole and windmill needs to be setback from lot lines.

All uses that will be unable to comply with the environmental protection requirements of Article V shall be prohibited in all districts

### Zoning Districts

V

C

N

SE

SE

P

P

P

N

N

N

P

P

P

P

P

N

N



ZONING

255 Attachment 4

Borough of Bonneauville

Table of Dimensional Requirements  
[Amended 5-17-2016]

Zoning District: Type of Use	Minimum Lot Area (square feet) <sup>F</sup>	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) <sup>D</sup>	Minimum Rear Yard Setback (feet) <sup>**</sup>	Minimum Side Yard Setback** (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>SFR Single-Family Residential District:</b>							
a) Single-family detached dwelling:			a) 25	a) 30	a) 10 each	a) 30	a) 40
a1) Without both Borough-approved central water service and Borough-approved central sewage service	a1) 43,560 (1 acre)	a1) 150					
a2) With both Borough-approved central water and Borough-approved central sewage services	a2) 10,000	a2) 75					
b) Other allowed principal use	b) 43,560 (1 acre)	b) 150	b) 25	b) 30	b) 25 each	b) 30	b) 40
<i>See also the age-restricted residential development option in § 255-36. All dwellings shall have a minimum principal building width and length of 20 feet (not including unenclosed structures)</i>							

BONNEAUVILLE CODE

Zoning District: Type of Use	Minimum Lot Area (square feet) <sup>E</sup>	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) <sup>D</sup>	Minimum Rear Yard Setback (feet) <sup>**</sup>	Minimum Side Yard Setback** (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>MDR Mixed Dwelling Residential District:</b>							
a) Single-family detached dwellings:							
a1) Without both Borough-approved central water and Borough-approved central sewage services	a1) 43,560	a1) 150	a) 25	a) 25	a1) 15	a) 50%	a) 60%
a2) With both Borough-approved central water and Borough-approved central sewage services	a2) 7,500	a2) 60			a2) 5 each		
b) The following housing types, each of which shall require Borough-approved central water and Borough-approved central sewage services:	b1), b2) and b3): Minimum average lot area of 7,500 per dwelling unit <sup>C</sup>	b1) 35 per dwelling unit b2) 20 per interior dwelling unit, and 40 for each end unit <sup>B</sup> b3) 100	b) 25	b) 25	b): 10, except 0 at the shared lot line of lawfully attached dwellings.	b) 50%	b) 60%
b1) Twin dwelling unit							
b2) Townhouse							
b3) Duplex or other apartment dwellings, which shall be detached from other buildings							
c) Other allowed principal use	c) 25,000	c) 100	c) 25	c) 25	c) 15	c) 50%	c) 60%

ZONING

Zoning District: Type of Use	Minimum Lot Area (square feet) <sup>E</sup>	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) <sup>D</sup>	Minimum Rear Yard Setback (feet) <sup>**</sup>	Minimum Side Yard Setback** (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>HDR High Density Residential District:</b>							
a) Single-family detached dwellings:						All uses:	All uses:
a1) Without both Borough-approved central water service and Borough-approved central sewage services	a1) 43,560	a1) 150 a2) 50	a) 25	a) 30	a1) 15 a2) 5	60%	70%
a2) With both Borough-approved central water and Borough-approved central sewage services	a2) 6,000						
b) The following housing types, each of which shall require Borough-approved central water and Borough-approved central sewage services:	b1), b2) and b3): Minimum average lot area of 6,000 per dwelling unit <sup>C</sup>	b1) 35 per dwelling unit b2): 20 per interior dwelling unit, and 40 for each end unit <sup>B</sup> b3) 40	b) 25	b) 30	b1 and b2): 10, except 0 at the shared lot line of lawfully attached dwellings b3): 15		
b1) Twin dwelling unit							
b2) Townhouse							
b3) Duplex or other apartment dwellings, which shall be detached from other buildings							
c) Manufactured home parks shall meet the requirements for such use as stated in § 255-38, instead of the requirements of this section.							
d) Other allowed use	d) 25,000	d) 100	d): 25	d) 30	d) 15		

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Zoning District: Type of Use	Minimum Lot Area (square feet) <sup>E</sup>	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) <sup>D</sup>	Minimum Rear Yard Setback (feet) <sup>**</sup>	Minimum Side Yard Setback <sup>**</sup> (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>V Village District:</b>							
a) Allowed residential uses – the requirements of the MDR district shall apply instead of the requirements of the V district	b) 43,560, except 20,000 for a lot that will be served by central water and central sewage services	b) 100	b) 25, except 40 if any parking is provided between the front lot line and the principal building	b) 20 <sup>A</sup>	b) 7 <sup>A</sup>	b) 40%	b) 75%
b) Other allowed uses							
<b>C Commercial District:</b>							
Allowed use Except for allowed residential uses, the requirements of the SFR district shall apply, instead of the regulations of the C District.	43,560, except 20,000 for a lot that will be served by central water and central sewage services	150, except 250 for a new lot approved after the adoption of this chapter that will have its own vehicle access directly onto an arterial street	30, except 50 feet where off-street parking will exist between the principal building and an arterial street	20 <sup>A</sup>	20 <sup>A</sup>	40%	75%

## ZONING

### NOTES:

Corner lot setbacks: See § 255-66B.

\*\*= The following exceptions shall apply:

- For accessory structures and uses, see § 255-33C.
- Structures shall not obstruct minimum sight clearance at intersections.
- See § 255-66B pertaining to corner lots.
- See § 255-68 regarding extension of nonconforming setbacks.
- See § 255-66 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

A Except 40 feet side and 50 feet rear for a principal business that is open to customers between 9:00 p.m. and 6:00 a.m. from a lot in a residential district that is not occupied by a principal business. Such side or rear yard shall be increased to 100 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

B Except if two or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for two or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50% of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.

C These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
- The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
- A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
- See also the applicable standards in § 255-38, which may require common open space.

D Setbacks shall be measured from the future/ultimate right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof.

E See natural feature regulations, including §§ 255-34 and 255-36.

