

BOROUGH OF TERRE HILL

Lancaster County, Pennsylvania

ZONING ORDINANCE

DRAFT ORDINANCE AS OF MARCH 2019

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A. General Regulations

Part 1

General Provisions

§101. Short Title; Purpose; Scope; Interpretation; Conflict; Uses Not Provided For

1. Short Title. This Chapter shall be known and may be cited as the “Terre Hill Borough Zoning Ordinance of 2017.”

2. Zoning Purposes. The provision of zoning ordinances shall be designed:

A. To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds uses, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

C. To preserve prime agriculture and farmland considering topography, soil type and classification and present use.

D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing including without limitations, single-family, duplex and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance or provision thereof shall be deemed invalid for failure to provide for any other specific dwelling type.

E. To accommodate reasonable overall community growth including without limitations population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

3. Scope. From and after the effective date of this Chapter, the use of all land and every structure or portion of a structure erected, altered with respect to height and area, added to, or relocated, and every use within a structure or use accessory thereto, in the Borough of Terre Hill shall be in conformity with the provisions of this Chapter. Any existing structure or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming structures or uses.

4. Interpretation of Ordinance Provisions. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, when doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

5. Severability. If any article, part, section, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or zoning district boundary in this Ordinance or the Zoning Map, shall, for any reason, be declared to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or the Zoning Map as a whole or any other remaining article, part, section, provision, regulation, limitation, restriction, sentence, clause, phrase, word, zoning district boundary, or remaining portion of this Ordinance or the Zoning Map. It is hereby declared to be the intent of Borough Council that this Ordinance or the Zoning Map, as the case maybe, would have been adopted had such illegal, unconstitutional, or invalid article, part, section, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or zoning district boundary not been included herein.

6. Repealer. All other ordinances, rules, regulations or parts thereof that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

7. Uses Not Provided For. Whenever, in any district established under this Chapter, a use is neither specifically permitted nor prohibited and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to be reviewed as a special exception, which the Board shall have the authority to permit or deny the use. In rendering such decision, the burden of proof shall be upon the applicant to show that the proposed use is similar to and compatible with permitted uses in the district, meets the general requirements for special exceptions, and is in no way in conflict with the general purpose and intent of this Chapter.

§102. Establishment of Districts.

1. Classes of Districts. For purposes of this Chapter, the Borough of Terre Hill is hereby divided into districts that shall be designated as follows:

- A. Residential.
 - R-1 Low Density Residential District
 - R-2 High Density Residential District
 - R-C Residential/Commercial Mixed Use District
- B. Commercial.
 - C-N Commercial/Neighborhood District
- C. Industrial.
 - L-I Limited Industrial District

2. Zoning Map. The areas within the Borough of Terre Hill, as assigned to each district and the location of the districts established by this Chapter, are shown on the Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Chapter and is on file in the Borough office.

3. District Boundary Lines. District boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets and alleys existing at the time of passage of this Chapter, the corporate boundary of the Borough, or as dimensioned on the Map. In the event of dispute about the location of the boundary of a district, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board. Where the district boundary line divides a lot that was in single and separate ownership at the time of passage of this Chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either adjacent zoning district into the other zoning district, for a distance not to exceed fifty (50') feet beyond the district boundary line.

§103. Development Objectives. The Elanco Regional Comprehensive Plan, in accordance with which this Chapter is enacted and which is reflected in the provisions of this Chapter, has been formulated to implement the purpose set forth in §101(2) hereinabove, and more particularly with a view toward the following objectives:

- 1. Maintain and improve the existing residential character of the Borough.
- 2. Ensure that the varied land uses within the Borough are logically located in their relationship to one another.
- 3. Provide for realistic population densities as appropriate to the Borough's existing residential character, public sewage and water service capabilities, and environmental determinants.
- 4. Insure the efficient movement of traffic.
- 5. Provide adequate public utilities, protection, open space, privacy, services, and facilities in the most efficient manner.

6. Stimulate the local economy by encouraging controlled and appropriate commercial and industrial growth.
7. Encourage and promote the provisions of a variety of housing types to meet the needs of all Borough residents including without limitations, newly formed households, growing families, and senior citizens.
8. Coordinate the kinds and intensities of land uses with regional and neighboring comprehensive planning objectives.

§104. Definitions. Words in the singular include the plural, and those in the plural indicate the singular. The use of any gender shall be interpreted as needed to include the male, female and neuter genders. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

ACADEMIC CLINICAL RESEARCH CENTER – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

ACCESSORY USE - a use that's customarily incidental and subordinate to the principal use of land or a building on a lot.

ACT - the Pennsylvania Municipalities Planning Code of July 31, 1968, 53 P.S. §10101, *et seq.* (Act No. 247), as amended.

ACT 16 – Medical Marijuana Act (Pennsylvania Act of April 17, 2016)

ADULT ORIENTED BUSINESS and ADULT USE -a business or club that engages in one (1) or more of the following areas of sales, services or entertainment:

1. **ADULT BOOKSTORE** - any establishment or place:
 - A. that has a Substantial portion of its stock in trade consisting of the following items:
 - (1) books, magazines, or other periodicals, films or other forms of audio or visual. representation that are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; or
 - (2) instruments, devices or paraphernalia that are designed primarily for use in connection with sexual activities or conduct; or
 - B. to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.

2. **ADULT THEATER** - any theater, auditorium, concert hall or other place of assembly (a) presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve (12) month period is or will be devoted to the showing of material that is distinguished or characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (b) featuring live performances on a regular basis that are distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons.

3. **MASSAGE ESTABLISHMENT** - any establishment or business that provides the services of massage and body manipulation including without limitations, exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or

professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

4. OTHER ADULT-ORIENTED RETAIL COMMERCIAL SERVICE OR ENTERTAINMENT ESTABLISHMENT - any other business or club that primarily offers its patrons or member retail goods, commercial services, or entertainment that is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct, or uncovered genital areas.

AGRICULTURE - the tilling of the soil, the raising of crops, forestry, horticulture and gardening; the keeping or raising of domestic animals, fowl, and riding horses; or the sale of crops, dairy or horticultural farm products incidental to the operation of a farm.

ALL-WEATHER SURFACE - any surface, pervious or impervious, suitably drained to the extent necessary to prevent dust, soil erosion or excessive water flow to any adjoining property.

ALTERATIONS - any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls, or any renovation to a building which would change its use classification.

AMUSEMENT ENTERPRISE - any indoor or outdoor place that is maintained or operated for the amusement, patronage, or recreation of the public including, without limitations, any amusement device of any description, commonly known as baseball, football, pinball, billiard tables, miniature golf course, video, electronic or mechanical arcade games whether or not they are coin operated.

ANTENNA - a device, dish or array used to transmit or receive telecommunications signals.

BANK - a financial institution that is open to the public (with or without a drive-up window) and engages in deposit banking, and that performs closely related functions such as making loans, investments and fiduciary activities.

BED AND BREAKFAST - a single family dwelling that is occupied by the owner of the premises, converted to contain up to five (5) rooms for transient traveling, and providing meal service to such transients on the premises.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications (generally the Zoning Hearing Board).

BOARDING HOUSE - a building or portion thereof arranged or used for sheltering or feeding for compensation more than two (2) and not more than ten (10) individuals.

BOROUGH - the Borough of Terre Hill, Lancaster County, Pennsylvania.

BOROUGH COUNCIL - the Borough Council of and for Terre Hill Borough.

BUILDING - any enclosed or open structure, other than a boundary wall or fence, occupying more than four (4) square feet of area, or having a roof supported by columns, piers or walls.

BUILDING, ACCESSORY - a detached, subordinate building, typically constructed on a permanent foundation, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation by humans are considered to be accessory buildings, but sheds are not considered Accessory Buildings.

BUILDING AREA - the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

BUILDING HEIGHT - a building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof.

BUILDING LINE - the actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING PERMIT - see “permit”

BUILDING, PRINCIPAL - a building that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The principal building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main structure on a given lot.

BUILDING SETBACK LINE - a line within a lot, designated on a plan as the minimum required distance between any structure and the adjacent street centerline, or right-of-way line as specified by any applicable zoning ordinance provision.

CAREGIVER - The individual designated by a patient to deliver medical marijuana.

CARTWAY - the portion of a street right-of-way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the course of travel over the street.

CERTIFICATE OF USE AND OCCUPANCY – see “permits”

CERTIFIED MEDICAL USE - The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CHURCH - a building wherein persons regularly assemble for religious worship that is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such places for worship or religious activities.

CLINICAL REGISTRANT - An entity that: 1. Holds a permit both as a grower/processor and a dispensary; and 2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

CLUB and/or LODGE - a building utilized as a private club offering restaurant or bar privileges.

CLUSTER DEVELOPMENT - a method by which lot area and yard requirements may be reduced to provide for greater open space amenities subject to the provisions of this Chapter.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water, within the development site, designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS TOWER - a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

COMPREHENSIVE PLAN - the official public document prepared and adopted in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of the Borough.

CONDITIONAL USE - a use permitted in a particular zoning district when specific conditions and criteria prescribed for such uses have been complied with in accordance with this Chapter and after hearing before and approval by the borough Council.

CONDOMINIUM - a multiple unit land development in which there is a system of separate ownership of individual units of occupancy and undivided interests of land and common facilities in accordance with the Pennsylvania Uniform Condominium Act of 1980.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of County and judicial district wherein the municipality lies.

DENSITY, GROSS - the number of dwelling units or units of occupancy per gross lot area acre (i.e., the total area within the deeded property lines without exception).

DENSITY, NET - the number of dwelling units or units of occupancy per net lot area acre (i.e., the total area within the deeded property lines without exception).

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Borough Council,
2. The Zoning Hearing Board, or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with the final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeals.

DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the PA Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

DOH – Pennsylvania Department of Health

DWELLING - a building designed or used as the living quarters for one (1) or more families. The terms "dwelling," "single family dwelling," "multiple dwelling," "two (2) - family dwelling," "townhouse" or "dwelling group" shall not be deemed to include rooming house, tourist home, motel, or hotel.

DWELLING UNIT - a room, or rooms within a building connected together, constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other dwelling units, and containing independent cooking, bathroom, and sleeping facilities not shared or utilized by any other physically separated room or rooms.

DWELLING TYPES

1. MULTIPLE-FAMILY DWELLING - any building containing three (3) or more dwelling units.
2. RESIDENTIAL CONVERSION UNIT --a building that has been altered to accommodate one (1) or more dwelling units, provided that such alteration is confined to the interior of an already existing structural shell and that such alteration shall not include an extension of the sides or an increase in the height of an existing structure.
3. SINGLE-FAMILY DETACHED DWELLING - a dwelling unit accommodating a single family and having two (2) side yards.
4. SINGLE-FAMILY SEMI-DETACHED DWELLING - two (2) dwelling units, each accommodating one (1) family that are attached side-by-side through the use of a party wall, with each dwelling unit having one (1) side yard.
5. TOWNHOUSE - A building with one (1) dwelling unit from the ground to the roof, located on its own lot, and having two (2) side party walls in common with other dwellings, except in the case of an end-of-row unit that only has one (1) sidewall that is a party or lot-line wall.
6. TWO-FAMILY DETACHED or DUPLEX- two (2) dwelling units each accommodating one (1) family that are located one (1) over the other, and having two (2) side yards.

EDUCATIONAL FACILITY –a teaching institution that would include professional schools, business schools, trade schools, art schools and similar facilities.

FAMILY - any number of persons related by blood, marriage or adoption; or not more than four (4) persons not related by blood, marriage or adoption; living and cooking together as a single housekeeping unit.

FENCE - any man-made barrier constructed of wood, metal, masonry or other material, so constructed as to prevent free passage from one (1) side to another, or live plantings planted in such close proximity as to prevent passage from one (1) side to another.

FLOOR AREA, RESIDENTIAL- the total floor area of the dwelling unit actually used for habitation excluding cellars, storage, attics, porches, garages, and the like.

FLOOR AREA, NON RESIDENTIAL - the sum of the area of the several floors of a building or buildings measured from the face of the exterior walls or from the centerlines of walls separating two (2) buildings.

FORESTRY - the management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting transporting and selling trees for commercial purposes and which does not involve any land development.

FUNERAL HOME - establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals.

GARAGE, PUBLIC - any garage not a private garage and that is used for storage, repair, rental, servicing or supplying of gasoline or oil to and available to the general public.

GASOLINE SERVICE STATION - a building or lot or part thereof supplying and selling gasoline or other equivalent fuels for motor vehicles at retail, direct from pumps and storage tank. Additional services may include accessory facilities for rendering automotive services such as lubrication, washing, and minor mechanical repairs, excluding body repairs and painting.

GAS STATION MINIMART - a facility associated with the sale of gasoline products that also offers for sale food items and tangible consumer goods, primarily for self-service by the consumer.

GEOHERMAL ENERGY SYSTEM –an energy generating system that uses the Earth’s thermal properties in conjunction with a power source such as electricity to provide greater efficiency in the heating and cooling of buildings.

GROSS ACRE - the entire area within the lot lines of the property proposed for development, including any areas to be dedicated or reserved for street and alley rights-of-way and for public uses.

GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

HEALTH AND RECREATION CLUB - a business that offers active recreational or fitness activities. Such activities may be provided only to club members and their guests. Such facilities do not serve alcohol or include golf courses.

HOME OCCUPATION - an accessory use that is clearly incidental or secondary to the residential use of the dwelling unit and is customarily carried on within a dwelling unit or accessory buildings by one (1) or more occupants of such dwelling unit.

HORSE AND CARRIAGE BARN - an accessory building solely for the non-commercial use of keeping horses used by the residents as their principal mode of transportation.

HORTICULTURE - the use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock including, without limitations, ornamental plants and trees and cultured sod.

HOTEL - a building or buildings containing rooms designed to be rented temporarily for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building.

IDENTIFICATION CARD - A document issued by the DOH that permits access to medical marijuana.

IMPERVIOUS SURFACE - material that is impenetrable and unable to absorb water including, without limitations, buildings, structures and paved areas. It also includes surfaces such as compacted lime rock; graveled driveways and parking areas, most conventionally surfaced streets, roofs, sidewalks, parking lots; and other similar structures and paved areas. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be classified as impervious.

INN - a building, that contains a dwelling unit occupied by a resident manager and up to twelve (12) lodging rooms and meals are offered to the general public for compensation, and entrances to bedrooms are made through a lobby or other common room.

INTERNET MARKETPLACE FOR SHORT TERM LODGING – an on online marketplace or hospitality service for people to lease or rent short-term residential lodging (for example, but not limited to, Airbnb, etc.). For purposes of this Ordinance, all rental and lease uses of this nature shall be restricted only to zones in which a bed and breakfast or an inn are permitted, and shall be subject to the requirements of the specific accommodations that are being offered (a bed and breakfast or an inn, as the case may be).

JUNK- Used or discarded materials, including, without limitations, waste paper, rags, metal, wood, rubber, plastic, tires, building materials, house furnishings, machinery, vehicles, appliances, or parts of or for any of the foregoing, whether such materials are to be recycled, repaired, salvaged, or discarded.

JUNK VEHICLES - Any vehicle designed to be self-propelled that is unlicensed, wrecked, disabled, lacks a current vehicle registration, lacks a current inspection sticker, is otherwise unable to properly operate under its own power for the purpose for which it was originally designed, or is illegal to operate on any public road if originally designed to do so. Vehicles designed to be self-propelled shall include, without limitations, vehicles commonly known as automobiles, trucks, vans, motorcycles, motorbikes, golf carts, go-carts, tractors, riding lawn mowers, snow mobiles, and all-terrain vehicles.

JUNK YARD - An area of land, with or without buildings, used for the storage, either inside or outside of a completely enclosed building, of any Junk. The deposit or storage on a lot of two or more Junk Vehicles outside of a completely enclosed building for any length of time shall be deemed to constitute a Junk Yard. The deposit or storage on a lot of one Junk Vehicle outside of a completely enclosed building for a period in excess of thirty days shall constitute a Junk Yard.

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. [Ord. 5-1993]

LOT AREA - the area contained within the property lines of the individual parcel of land, excluding space within the street right-of-way. The lot area includes the area of any utility easement or storm water management facility, but does not include the “flagpole” of a flag lot unless otherwise specified in the Borough zoning ordinance.

LOT COVERAGE - the area of land within a lot occupied by buildings and structures.

MANUFACTURED HOUSING – a factory built single or multi-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but is not constructed with a permanent hitch or other device allowing transport of the unit other than the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

MANUFACTURING - any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are disassembled, assembled or packaged.

MEDICAL MARIJUANA - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA, FORM OF - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA ORGANIZATION or FACILITY - A dispensary or a grower/processor of marijuana for medical purposes.

MEMBERSHIP CLUB - An area of land or building owned, leased or occupied by an association of persons, operated solely for any recreational, social, fraternal, religious, political or athletic purpose, whose activities are confined to the members and guests.

MIXED USE – when two or more principal uses occupy the same lot.

MOBILE HOME - a transportable, single-family dwelling intended for Permanent occupancy, contained in one (1) unit or in two (2) or more-units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, with a minimum width of 14 feet, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

MOBILE HOME PARK - a parcel or contiguous parcels of land that has been so designated and improved to contain two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOUSING – a dwelling unit constructed on site in accordance with state or municipal codes and composed of components substantially assembled in a manufacturing plant and transported to a building site for final assembly on a permanent foundation.

MOTEL - a building or group of buildings primarily for transients traveling by motor vehicles with a parking space for each lodging unit and with access to each unit directly from the outside.

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

MULTIMUNICIPAL PLAN - a plan developed and adopted by any number of contiguous municipalities including , without limitations, a joint municipal plan as authorized by the MPC, except that all of the municipalities participating in the plan need not be contiguous, if all of them are within the same school district.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945”, as amended.

MUNICIPAL USE - the use of any real estate or structure in the Borough of Terre Hill by any Municipality or Municipal Authority which use benefits one or more residents or taxpayers of Terre Hill Borough.

NIGHTCLUB - A bar, restaurant, coffee house, or similar establishment that often serves alcohol and may provide music, comedy acts, dancing or similar entertainment and limits its clientele to 21 years of age or older..

NO-IMPACT HOME BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions

to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use including, without limitation, parking, signs or lights.
5. The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference including, without limitation interference with radio or television reception, that is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in a volume or type that is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor space.
8. The business may not involve any illegal activity.

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, without limitation, to nonconforming signs.

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

NON-RESIDENTIAL CONVERSION - the conversion of a residential dwelling into a permitted non-residential use

OCCUPANCY PERMIT - see "permit".

OFFICE - a room, suite of rooms or building in which a person transacts the affairs of a business, profession, service, industry, or government.

OFFICIAL MAP - a map adopted by ordinance pursuant to the Pennsylvania Municipalities Planning Code and recorded in the office of the Lancaster County Recorder of Deeds.

OUTDOOR CAFÉ - A use outside of an enclosed building designed for providing exterior seating and dining facilities for patrons and guests of a restaurant, tavern, bed & breakfast or other similar food service establishment.

PERMIT. A document issued by the Zoning Officer or other authorized Borough representative, which do current authorizes the applicant to undertake certain activities.

BUILDING PERMIT. A permit issued by the Zoning Officer, or designee, indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the

construction provisions of any building code that may be adopted by the Borough, which permit authorizes an applicant to commence with said construction, alteration or reconstruction.

CERTIFICATE OF USE AND OCCUPANCY. A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with. For purposes of this chapter, an occupancy permit is also issued for all commercial and industrial uses and for multiple-family dwellings when there is change in the use or re-occupancy of a structure or land.

OCCUPANCY PERMIT. See Certificate of Use and Occupancy.

TEMPORARY USE PERMIT. A permit issued by the Zoning Officer, or designee, authorizing buildings, structures, signs or uses for a limited period of time.

ZONING PERMIT. A permit issued by the Zoning Officer, or designee, authorizing buildings, structures, signs or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

PERSON - the word "person" includes an individual, corporation, partnership, incorporator's association, or any other entity.

PERSONAL SERVICE ESTABLISHMENT - an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, without limitations, to beauty and barber shops, tailor shops, cleaners, doctors, lawyers, optometrists, photographers, post offices, travel agencies, and utility collection offices.

PLACE OF WORSHIP – see "church"

PLANNED SHOPPING CENTER - a group of stores planned and designed as an integrated unit with controlled ingress and egress and off-street parking provided on the property as an integral part of the unit.

PLANNING COMMISSION - the Planning Commission of Terre Hill Borough.

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

PRIVATE SCHOOL - an institution for the teaching of children or adults and that meets state requirements for primary, secondary, or higher education and does not secure the major part of its funding from any governmental agency.

PRESERVATION OR PROTECTION - when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PROFESSIONAL OFFICE - a building or portion of a building wherein services are performed involving predominantly business, professional, administrative or clerical functions.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission and intended to inform and obtain public comment prior to taking action in accordance with this Chapter.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 *et seq.*, as amended.

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing or meeting and the particular nature of the matter to be considered at the hearing or meeting. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing or meeting.

PUBLIC SCHOOL - an institution for the teaching of children or adults including, without limitation, primary and secondary schools and colleges.

PUBLIC SEWAGE - the disposal of sewage by the use of a sanitary sewer system by a central sewage treatment plant approved by the Pennsylvania Department of Environmental Resources.

PUBLIC STREETS - a street, road or highway that has been offered for dedication and accepted by the Borough for public use and access to adjacent properties.

PUBLIC SWIMMING POOL - any swimming pool open for use by the public, whether or not an admission fee or membership fee is charged for the use thereof. A public swimming pool owned and operated by the Borough of Terre Hill shall constitute a municipal use as hereinabove defined.

PUBLIC USES - includes public and semi-public uses of welfare or educational nature, such as hospitals, nursing homes, schools, parks, playgrounds, paths, publicly owned or operated scenic and historic sites and other public recreational areas including, without limitation, those shown on an Official Map of the Borough or the Zoning Map, such as, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports, fraternal clubs and homes; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; radio and television transmission facilities and sites for sewage treatment, water treatment and other publicly owned or operated facilities.

PUBLIC UTILITY - for purposes of this Chapter the term “public utility” shall refer to a building, structure or use or extension thereof that is operated, owned or maintained by a public utility corporation, municipality or municipal authority or that is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing, without limitations, public sewage disposal or treatment; public water supply, storage or treatment; without limitations the transmission of energy or telephone service.

PUBLIC WATER - the distribution of potable water to a user from a municipal water authority or municipality.

RECREATIONAL VEHICLE – includes:

1. Any motor vehicle that is not registered and inspected to be driven on public roads. This may include, without limitation, motorcycles, motorbikes, ATV’s, snowmobiles and dune-buggies.
2. Watercraft on and off a trailer.
3. Any vehicle that is built on a chassis designed to be self-propelled, towable by or fastened to a motor vehicle, designed to be used as temporary living quarters for recreational, camping, travel or seasonal use.

REGISTRY - The registry established by the DOH for all medical marijuana organizations and practitioners.

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie from there. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESIDENTIAL CONVERSION -- a building that has been altered to accommodate one (1) or more dwelling units.

RESIDENTIAL DISTRICT - any zoning district that permits single family, two-family, duplex or multi-family dwellings. For the purpose of this Chapter, that term would include R-1, R-2 and R-C districts.

RESTAURANT - a structure in which the principal use is the preparation, sale and consumption of food and beverages.

RIGHT-OF-WAY - the total width of any land reserved or dedicated as a street, alley or pedestrian way, or for any other public or private purpose.

ROAD CLASSIFICATION - a designation given a road or street in accordance with its function as a carrier of traffic and from which specific setback distances as provided in this Chapter apply. Road classifications are set forth in the Borough's Future Land Use Plan. For the purpose of this Chapter, the following four (4) classifications shall apply:

ALLEY - a narrow public or private through-fare that provides only a secondary means of vehicular access to abutting properties. Named Alleys include, without limitation,: Baer St., Schnader St., Walnut St., and Watt Ave. This is the lowest classification of streets and roads.

MAJOR COLLECTOR - this classification includes streets that provide connections with local access and arterial streets. They may serve a traffic corridor connecting villages, small boroughs, shopping points, and mining and agricultural areas on an intra-county or municipal basis. State route 897 is an example of a major collector road. This is the highest classification of streets and roads.

LOCAL - this classification provides direct access to adjacent land and includes connections to farms, individual residences and commercial properties, and to higher classes of highway systems. All streets not named elsewhere in this chapter are local streets. This is the second lowest classification of streets and roads.

MINOR COLLECTOR - this classification includes streets that carry a small amount of residential thru traffic collected from local streets. Linden and Vine streets, Lancaster and Center avenues and the extensions of Main St. not included as part of State Route 897 are examples of minor collectors. This is the second highest classification of streets and roads.

SELF STORAGE - a facility used only for the storing of household or personal property, or commercial property, with no commercial transactions permitted other than the rental of the storage unit.

SHED - a relatively small structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing, and does not need to be placed on a permanent foundation. The structure is intended to store lawn, garden, pool care equipment or household items and is not considered an Accessory Building.

SIGN - any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public including, without limitation, any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot by one (1) or more persons which ownership is separate and distinct from that of any adjoining property.

SOLAR ENERGY SYSTEMS - an energy producing system that harnesses heat or light from the sun. Solar techniques include the use of photovoltaic systems and solar water heating to harness the energy. They are permitted by right as an accessory use in all zoning districts where structures of any sort are allowed, as long as it meets the requirements of this Chapter and all other applicable construction codes.

SPECIAL EXCEPTION – a use permitted in a particular zoning district, after a hearing before and approval by the Zoning Hearing Board pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*

STREET - a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET CENTERLINE - the center of the surveyed street right-of-way, or where not surveyed, the center of the traveled-cartway.

STREET LINE - the right-of-way line of any given street.

STREET RIGHT-OF-WAY - an area of specified width, including the street cartway, that establishes the total road area provided for the movement of vehicular traffic. The right-of-way line is the point from which the required setback line is measured.

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

SWIMMING POOLS - any reasonably permanent swimming pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing, water to a depth at any point greater than two (2) feet. Ponds or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - any establishment open to the public for the retail sale and consumption of alcoholic beverages on the premises and is not clearly a restaurant.

TELECOMMUNICATIONS - as defined in the Federal Telecommunications Act of 1996, as amended, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TOURIST HOME - an establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

VARIANCE - relief granted after hearing before and approval by the Zoning Hearing Board pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S §10101 *et seq.*, as amended.

VEHICULAR SALES OR SERVICE - a building or lot or part thereof used for the sale, hire or lease of motor vehicles with a gross weight of less than ten thousand (10,000) pounds, together with facilities for repair and service of such vehicles. The storage of any vehicles on the premises, which are not on the premises for the purpose of repair, shall be permitted. In addition, no automobile or truck titled in the name of any person other than the owner of the premises shall be stored on the premises for sale, unless such vehicle is in operating condition, bearing current Pennsylvania State Inspection.

WHOLESALE SALES - an establishment or place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WORKSHOP – a building or portion of a building used for manufacturing when a percentage of the final product is sold on the premises.

WIND ENERGY SYSTEMS - an energy producing system that converts wind into rotary motion to drive an electric generator. Wind turbines fall into two general classes depending on how they spin: horizontal axis and vertical axis.

YARD - the open space between a building and the nearest lot line, which is unoccupied and unobstructed by any portion of a structure from the ground upward.

YARD, FRONT - that portion of the yard which lies between the principal building on a lot and the street line(s), extending the full width of the said lot. The front yard shall be measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR - that portion of the yard which lies between the principal building on a lot and the rear lot line, extending the full width of the said lot. The rear yard shall be measured perpendicular to the building at the closest point to the rear lot line.

YARD, REQUIRED - the minimum allowable size for each lot as established by the zoning district regulations.

YARD, SIDE - that portion of the yard that is neither a front nor a rear yard.

ZONING - the designation of specified districts within Terre Hill Borough, reserving them for certain uses together with limitations on lot size, heights or structures and other stipulated requirements as further described in this chapter

ZONING MAP – the Official Map showing the location of the Zoning districts and Zoning uses within Terre Hill borough.

ZONING HEARING BOARD - the Zoning Hearing Board of and for Terre Hill Borough.

ZONING OFFICER - the duly constituted municipal official designated to administer and enforce this Chapter. The Zoning Officer shall administer the provisions of this Chapter in accordance with its literal terms.

ZONING PERMIT - see “permit”.

Part 2
Residential Districts

§201. R-1 Low Density Residential District

1. Intended Purpose. It is the purpose of the R-1 Low Density Residential District to provide areas suitable for single family residential uses of a low density where public water and sewerage facilities are available, preserve and maintain existing uses of a similar nature, and to exclude those uses not compatible with such development.

2. Uses and Structures. A building may be erected, altered or used, and a lot may be used for any of the following purposes and no other:

A. Permitted

- (1) One single-family detached dwelling.
- (2) Public uses
- (3) Municipal use
- (4) Public utility (subject to the provisions of §502.7).
- (5) Horticulture, not including retail sales
- (6) No impact home based business.
- (7) Forestry
- (8) Shed
- (9) Single family manufactured housing
- (10) Single family modular housing
- (11) Geothermal heating and cooling (subject to the provisions of §503.32)
- (12) Solar energy system as an accessory use (subject to the provisions of §503.33)
- (13) One accessory building, 680 sq. ft. or less, with use customarily incidental to the above uses (subject to the provisions of §503.8).

B. Special Exception.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission , pursuant to the standards and criteria set forth in §503 of this ordinance.

- (1) Home occupation (subject to the provisions of §503.2).
- (2) Public or private school or educational facility but not including correctional institutions (subject to the provisions of §503.15).
- (3) Church or church with cemetery or similar place of worship (subject to the provisions of §503.12 & 13).
- (4) More than one accessory building or an accessory building larger Than 680 sq. ft.(subject to the provisions of §503.8).

C. Conditional Uses

The following conditional uses may be permitted by the Borough Council, following review and comment by the Planning Commission, pursuant to the standards and criteria set forth in §504 of this ordinance.

(1) Townhouse (subject to the provisions of §503.30).

(2) Lot size less than 8,500 square feet area
Any building lot, created for the construction of a single family detached dwelling, less than 8,500 square feet but larger than 7,500 square feet. Impervious surface coverage of 35% will be allowed with this lot.

(3) Lot size over 10,000 square feet area
Any building lot, created for the construction of a single family detached dwelling, greater than 10,000 square feet. Any lot that exceeds 10,000 square feet only to accommodate storm water runoff, municipal easements, wetlands, environmental constraints or similar hardship approved by the Zoning Officer shall not be considered a conditional use for that portion of the building lot.

(4) Communications Tower or Antenna (subject to the provisions of §503.38).

D. Prohibited Uses

(1) Internet marketplace for short term lodging

(2) Billboards

3. Lot Area, Lot Width, Building Height and Coverage Requirements.

Lot area, lot width, building height and coverage requirements of the dimensions shown in the following table shall be provided for each dwelling unit or principal nonresidential building or use hereafter established, erected or altered for any use permitted in this district.

| Building or Use | Lot Area | Min. Lot width at Street Line | Min. Lot Width at Setback line | Maximum Lot Coverage | Maximum Building Height | |
|---|---|-------------------------------|--------------------------------|----------------------|-----------------------------------|-----------|
| | | | | | Primary | Accessory |
| Each dwelling unit or principal nonresidential building not otherwise specified below | 8,500 sq. ft. min. 10,000 sq. ft. max. | 60 feet | 85 feet | 25% | 2½ stories, not to exceed 35 feet | 15 feet |
| On permanent cul-de-sac | | 50 feet | 75 feet | | | |
| School | 1 acre min. | 50 feet | 150 feet | 15% | 35 feet | 15 feet |
| Church | 2 acres min. | 50 feet | 50 feet | 15% | 35 feet | 15 feet |
| Public Use | 5,000 sq. ft. min. | 50 feet | 50 feet | 15% | 35 feet | 15 feet |

4. Setback Regulations. The following setback regulations shall be provided for each principal and accessory building and structure hereafter erected or altered for any use permitted in this district.

A. Front Yard. Principal and accessory buildings and structures: front yard setback distances are determined by the type of road or highway on which the property abuts as follows:

(1) Major Collector - thirty (30') feet from the street right-of-way or fifty (50') feet from the street centerline, whichever is the greater.

(2) Local, Minor Collector & Alley- twenty-five (25') feet from the street right-of-way line or forty-five (45') feet from the street centerline, whichever is the greater.

B. Side Yard.

(1) Principal and accessory buildings and structures: each building or structure shall have two (2) side yards which shall not be less than twenty-five (25') feet in aggregate width and neither of which shall be less than ten (10') feet. School and church buildings shall have two (2) side yards, neither of which shall be less than twenty-five (25') feet.

(2) Sheds shall have one (1) side yard not less than three (3) feet in depth.

C. Rear Yard.

(1) Principal buildings and structures: one (1) rear yard not less than twenty-five (25') feet in depth. School and church buildings shall have a minimum rear yard of fifty (50') feet in depth.

(2) Accessory buildings and structures: one (1) rear yard not less than ten (10') feet in depth.

(3) Sheds shall have one (1) rear yard not less than three (3) feet in depth.

5. Off-Street Parking and Loading Regulations. Subject to the provisions of §507 and §508.

6. Sign Regulations. Subject to the provisions of §509

§202. R-2 High Density Residential District.

1. Intended Purpose. It is the purpose of the R-2 High Density Residential District to provide an area for a variety of housing types at a higher density where public water and sewerage facilities are available and to exclude those uses not compatible with such development.

2. Uses and Structures. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other.

A. Permitted.

- (1) Single-family detached dwelling.
- (2) Single-family semi-detached dwelling.
- (3) Two-family detached dwelling or Duplex.
- (4) Multiple-family dwelling.
- (5) Townhouse (subject to the provisions of §503.30).
- (6) Public utility (subject to the provisions of §502.7).
- (7) Public uses
- (8) Municipal uses.
- (9) Forestry

- (10) No impact home based business
- (11) Horticulture uses
- (12) Manufactured housing
- (13) Modular housing
- (14) Shed
- (15) Solar energy system as an accessory use (subject to the provisions of §503.33)
- (16) One accessory building, 680 sq. ft. or less, with use customarily incidental to the above uses (subject to the provisions of §503.8).

B. Special Exception.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to the standards and criteria set forth in §503 of this ordinance.

- (1) Residential conversion (subject to the provisions of §503.3).
- (2) Mobile home (subject to the provisions of §503.17).
- (3) Mobile home park (subject to the provisions of §503.18).
- (4) Cluster Development (subject to the provisions of §503.5).
- (5) Bed and Breakfast (subject to the provisions of §503.7).
- (6) Internet marketplace for short term lodging (subject to the provisions of §503.7).
- (7) Home occupation (subject to the provisions of §503.2).
- (8) More than one accessory building or an accessory building larger than 680 sq. ft. (subject to the provisions of §503.8).
- (9) Geothermal heating and cooling (subject to the provisions of §503.32)

C. Conditional Uses

The following conditional uses may be permitted by the Borough Council, following review and comment by the Planning Commission, pursuant to the standards and criteria set forth in §504 of this ordinance.

- (1) Single family detached dwelling unit lot size less than 6,000 square feet area.
Any building lot, created for the construction of a single family detached dwelling, less than 6,000 square feet but larger than 5,000 square feet. Impervious surface coverage of 35% will be allowed with this lot.
- (2) Two-family detached dwelling, duplex or single family semi-detached dwelling lot size less than 4,000 square feet area.
Any building lot, created for the construction of a two-family detached or single family semi-detached dwelling, less than 4,000 square feet but larger than 3,000 square feet. Impervious surface coverage of 50% will be allowed with these lots.

(3) Single family detached dwelling unit lot size over 7,500 square feet area. Any building lot, created for the construction of a single family detached dwelling, greater than 7,500 square feet. Any lot that exceeds 7,500 square feet only to accommodate storm water runoff, municipal easements, wetlands, environmental constraints or similar hardship approved by the Zoning Officer shall not be considered a conditional use for that portion of the building lot.

(4) Two-family detached dwelling, townhouse, duplex or single family semi-detached dwelling lot size over 5,000 square feet area. Any building lot, created for the construction of a two-family detached, townhouse, duplex or single family semi-detached dwelling, greater than 5,000 square feet. Any lot that exceeds 5,000 square feet only to accommodate storm water runoff, municipal easements, wetlands, environmental constraints or similar hardship approved by the Zoning Officer shall not be considered a conditional use for that portion of the building lot.

D. Prohibited Uses

(1) Billboards

3. Lot Area, Lot Width, Building Height and Coverage Requirements. Lot area, width, building height and coverage requirements of the dimensions shown in the following table shall be provided for each dwelling unit and/or principal non-residential building or use hereafter established, erected or altered for any use permitted in this district.

| Building or Use | Lot Area | Min. Lot width at Street Line | Min. Lot Width at Setback line | Maximum Lot Coverage | Maximum Building Height | |
|---|------------------------|-------------------------------|--------------------------------|----------------------|-----------------------------------|-----------|
| | | | | | Primary | Accessory |
| Each dwelling unit and principal building not otherwise specified below | 6,000 to 7,500 sq. ft. | 50 feet | 60 feet | 30% | 2½ stories, not to exceed 35 feet | 15 feet |
| Single-family semi-detached dwelling | 4,000 to 5,000 sq. ft. | 30 feet | 35 feet | 30% | 35 feet | 15 feet |
| Two-family detached dwelling or duplex | 4,000 to 5,000 sq. ft. | 30 feet | 35 feet | 30% | 35 feet | 15 feet |
| Townhouse | 2,000 sq. ft. min. | 18 feet | 18 feet | 35% | 35 feet | 15 feet |

4. Setback Requirements. The following regulations shall be provided for each principal and accessory building and structure hereafter erected or altered for any use permitted in this district:

A. Front Yard. Principal and accessory buildings and structures: front yard setback distances are determined by the type of road or highway on which the property abuts as follows:

Major Collector - thirty (30') feet from the street right-of-way line or fifty (50') feet from the street centerline, whichever is the greater.

Local, Minor Collector & Alley – twenty-five (25') feet from the street-right-of-way line or forty-five (45') feet from the street centerline, whichever is the greater.

B. Side Yard.

(1) Principal and accessory buildings and structures: each building or structure shall have two (2) side yards which shall not be less than eighteen (18') feet in aggregate width and neither of which shall be less than eight (8') feet.

(2) Sheds shall have one (1) side yard not less than (3) feet in depth

C. Rear Yard.

(1) Principal buildings and structures: one (1) rear yard not less than twenty-five (25') feet in depth.

(2) Accessory buildings and structures: one (1) rear yard not less than eight (8') feet in depth.

(3) Sheds shall have one (1) rear yard not less than three (3) feet in depth.

D. Multiple Family Dwelling. No part of any building or group of attached buildings shall be nearer than twenty-five (25') feet to any other building or group of attached buildings or exterior lot line or nearer than fifty (50') feet to the centerline of an adjoining public street and no portion of the front or rear of any building or group of attached buildings shall be nearer than fifty (50') feet to any part of another building or group of attached buildings.

5. Off-Street Parking and Loading Regulations. Subject to the provisions of §506 and §507.

6. Sign Regulations. Subject to the provisions of §508.

§203. R-C Residential/Commercial Mixed Use District

1. Intended Purpose. It is the purpose of the R-C Mixed Use District to allow the mingling of both residential and low impact commercial uses that has been historically present along Main Street between Earl and Vine Streets and along Broad Street between Main and Vine Streets. The regulations for this district are designed to promote and protect the essential characteristics of the district and to allow compatible business uses with a suitable environment for family life.

2. Uses and Structures. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

A. Permitted.

- (1) Single family detached dwelling.
- (2) Single family semi-detached dwelling
- (3) Two-family detached dwelling or duplex.
- (4) Public or non-profit park or recreational use.
- (5) Municipal use.
- (6) Public Utility(subject to the provisions of §502.7).
- (7) Shed
- (8) No impact home based business.
- (9) Retail sales from an enclosed building

- (10) Retail sales in which both a workshop and a retail outlet or showroom are required as long as the workshop does not exceed fifty percent (50) of the total useable floor space of the building.
- (11) Restaurants operated from an enclosed building.
- (12) Personal service shops, banks and professional offices which deal directly with consumers.
- (13) Horticulture , including retail sales
- (14) Forestry
- (15) Manufactured housing
- (16) Modular housing
- (17) Public uses
- (18) Solar energy system as an accessory use (subject to the provisions of §503(33)).
- (19) Health and Recreation club (subject to the provisions of §503.
- (20) One accessory building, 680 sq. ft. or less, with use customarily incidental to the above uses (subject to the provisions of §503.8).

B. Special Exceptions

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to the standards and criteria set forth in §503 of this ordinance.

- (1) Public or private school or educational facility but not including correctional institutions (subject to the provisions of §503.15).
- (2) Residential conversions (subject to the provisions of §503.3).
- (3) Non-Residential conversions (subject to the provisions of §503.4).
- (4) Tourist home or inn (subject to the provisions of §503.11).
- (5) Boarding House (subject to the provisions of §503.10).
- (6) Hotel or motel (subject to the provisions of §503.9).
- (7) Bed and Breakfast (subject to the provisions of §503.7).
- (8) Internet marketplace for short term lodging (subject to the provisions of §503.7 or §503.11).
- (9) Cluster development (subject to the provisions of §503.5).
- (10) Church and church with cemetery (subject to the provisions of §503.12 & .13).
- (11) Home occupation (subject to the provisions of §503.2).
- (12) Funeral home (subject to the provisions of §503.25).

- (13) More than one accessory building or an accessory building larger than 680 sq. ft. (subject to the provisions of §503.8).
- (14) Multiple family dwelling
- (15) Condominium (subject to the provisions of §503.30).
- (16) Gas station minimart (subject to the provisions of §503.28).
- (17) Public or private swimming pools (subject to the provisions of §503.22 & .23).
- (18) Amusement enterprise (subject to the provisions of §503.35).
- (19) Nightclub (subject to the provisions of §503.19).
- (20) Outdoor Café (subject to the provisions of §503.21).
- (21) Mixed use (subject to the provisions of §503.31).
- (22) Townhouse (subject to the provisions of §503.30).
- (23) Any structure exceeding thirty five feet in height to a maximum of 3½ stories and 45' building height
- (24) Residential uses of not more than two (2) dwelling units in any existing building, which building also contains either a retail store, restaurant, office, or personal service establishment (subject to the provisions of §503.24).
- (25) Geothermal heating and cooling (subject to the provisions of §503.32)
- (26) Uses which, in the opinion of the Zoning Hearing Board are of the same general character as those listed as permitted uses and which will not be detrimental to, and will support the intended purpose of this district.

C. Prohibited Uses

- (1) Billboards

3. Lot Area, Lot Width, Building Height and Coverage Requirements.

Lot area, width, building height and coverage requirements of not less than the dimensions shown in the following table shall be provided for each dwelling unit and/or principal non-residential building or use hereafter established, erected or altered for any use permitted in this district.

| Building or Use | Lot Area | Min. Lot width at Street Line | Min. Lot Width at Setback line | Maximum Lot Coverage | Maximum Building Height | |
|---|------------------------|-------------------------------|--------------------------------|----------------------|-----------------------------------|-----------|
| | | | | | Primary | Accessory |
| Each dwelling unit and principal non-residential building not otherwise specified below | 5,000 sq. ft. | 60 feet | 60 feet | 50% | 2½ stories, not to exceed 35 feet | 15 feet |
| Single-family semi-detached dwelling | 5,000 sq. ft. | 40 feet | 40 feet | 50% | 35 feet | 15 feet |
| Two-family detached dwelling or duplex | 5,000 sq. ft. | 40 feet | 40 feet | 50% | 35 feet | 15 feet |
| School | 1 acre | 50 feet | 150 feet | 15% | 35 feet | 15 feet |
| Church | 2 acres | 50 feet | 150 feet | 15% | 35 feet | 15 feet |
| Public Park or recreation | 5,000 sq. ft. | 50 feet | 50 feet | 15% | 35 feet | 15 feet |
| Multi-family dwelling | 8 units per gross acre | 50 feet | 200 feet | 20% | 35 feet | 15 feet |

4. Off-Street Parking and Loading Regulations. Subject to the provisions of §506 and §507.

A. Parking shall be provided beside or behind the principal building

B. Off-street parking and loading areas in front of the principal building are not permitted in this zoning district

5. Sign Regulations. Subject to the provisions of §508.

6. Setback Requirements. The following regulations shall be provided for each principal and accessory building and structure hereafter erected or altered for any use permitted in this district:

A. Front Yard. The front wall of any new building or structure shall new not be located more than five (5') feet farther from the street than the front wall of the nearest existing adjacent building or structure in the same zoning district.

B. Side Yard.

(1) Principal and accessory buildings and structures: each building or structure shall have two (2) side yards which shall not be less than five (5') feet

(2) Sheds shall have one (1) side yard not less than three (3) feet in depth.

C. Rear Yard

(1) Principal buildings and structures: one (1) rear yard not less than twenty-five (25') feet in depth.

(2) Accessory buildings and structures: one (1) rear yard not less than five (5') feet in depth.

(3) Sheds shall have one (1) rear yard not less than three (3) feet in depth.

Part 3
Commercial District

§301. C-N Commercial/Neighborhood District.

1. Intended Purpose. It is the purpose of the C-N Commercial/Neighborhood District to provide for commercial uses to serve primarily the needs of the local residents and to minimize congestion on the Borough's collector road system.

2. Uses and Structures. A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Permitted.
 - (1) Retail sales.
 - (2) Restaurant.
 - (3) Office.
 - (4) Bank.
 - (5) Wholesale sales, storage, or distribution.
 - (6) Personal service establishments.
 - (7) Public grounds uses
 - (8) Vehicular sales or service (subject to the provisions of §503.29).
 - (9) Gasoline service station (subject to the provisions of §503.27).
 - (10) Car wash.
 - (11) Public Utility (subject to the provisions-of §502.7).
 - (12) Motel or Hotel (subject to the provisions of §503.9).
 - (13) Public garage (subject to the provisions of §503.26).
 - (14) No impact home based business
 - (15) Fire house
 - (16) Municipal uses
 - (17) Forestry
 - (18) Gas station minimart (subject to the provisions of §503.28).
 - (19) Horticulture uses
 - (20) Amusement enterprise (subject to the provisions of §503.35).
 - (21) Self-storage
 - (22) Geothermal heating and cooling (subject to the provisions of §503.32)
 - (23) Solar energy system as an accessory use (subject to the provisions of §503(33))
 - (24) Health and Recreation club (subject to the provisions of §503.37).

- (25) Membership club (subject to the provisions of §503.36).
- (26) Accessory buildings with uses customarily incidental to the above uses.
- (27) Shed

B. Special Exceptions

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to the standards and criteria set forth in §503 of this ordinance.

- (1) Planned shopping center (subject to the provisions of §503.6).
- (2) Tavern (subject to the provisions of §503.19).
- (3) Retail sale of alcoholic beverages (subject to the provisions of §503(20)).
- (4) Public swimming pool (subject to the provisions of §503.22).
- (5) Residential uses of not more than two (2) dwelling units in any building, which building also contains either a retail store, eating establishment, office, or personal service establishment (subject to the provisions of §503(24)).
- (6) Club or lodge (subject to the provisions of §503.19).
- (7) Nightclub (subject to the provisions of §503.19).
- (8) Any structure exceeding thirty five feet in height to a maximum of 3 ½ stories and 45' building height
- (9) Home occupation (subject to the provisions of §503.2).
- (10) Adult Oriented Business or Adult Use (subject to the provisions of §503(14)).
- (11) Medical Marijuana Transport Vehicle Service (subject to the provisions of §503(41)).
- (12) Medical Marijuana Dispensary (subject to the provisions of §503.42).
- (13) Inn (subject to the provisions of §503.11).
- (14) Bed and Breakfast (subject to the provisions of §503.7).
- (15) Internet marketplace for short term lodging (subject to the provisions of §503.7 or §503.11).

C. Prohibited Uses

- (1) Billboards

3. Lot Area, Lot Width, Building Height and Coverage Requirements.

A. The following regulations shall be observed:

- (1) Minimum lot area - ten thousand (10,000 sq. ft.) square feet.
- (2) Minimum lot width at street line - fifty (50') feet.

- (3) Minimum lot width at setback line - fifty (50') feet.
- (4) Maximum lot coverage - fifty (50%) percent.
- (5) Maximum paved area - sixty-five (65%) percent.
- (6) .Minimum landscape area - ten (10%) percent.
- (7) Maximum building height - thirty (35') feet.

4. Setback Regulations. The following setback regulations shall be provided for each principal and accessory building and structure hereafter erected or altered for any use permitted in this district.

A. Front Yard. Setback distances for all buildings and structures are determined by the type of road or highway on which the property abuts as follows (sheds are not permitted in the front yard):

Major Collector - forty-five (45') feet from the street right-of-way line or sixty-five (65') feet from the street centerline, whichever is the greater.

Local, Minor Collector & Alley - forty (40') feet from the street right-of-way line or sixty (60') feet from the street centerline, whichever is greater.

B. Side Yard.

(1) Principal buildings and structures: two (2) side yards not less than ten (10') feet in depth each.

(2) Accessory buildings and structures: two (2) side yards not less than six (6') feet in depth each.

(3) Shed: one (1) side yard not less than three (3) feet in depth

C. Rear Yard

(1) Principal buildings and structures: one (1) rear yard not less than twenty-five (25') feet in depth.

(2) Accessory buildings and structures: one (1) rear yard not less than five (5') feet in depth.

(3) Shed: one (1) rear yard not less than three (3) feet in depth.

5. Off-Street Parking and Loading Regulations. Subject to the provisions of §506 and §507.

6. Sign Regulations. Subject to the provisions of §508.

7. Screening. Subject to the provisions of §502

Part 4
L-I Industrial District.

§401. L-I Limited Industrial District

1. Intended Purpose. It is the purpose of the L-I Limited Industrial District to provide for industrial uses which are free from offensive noise, vibration, smoke, odors, glare, hazards of fire or other objectionable effects.

2. Uses and Structures. A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

A. Permitted.

- (1) Research, engineering, or testing laboratory.
- (2) Any production, manufacturing, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products.
- (3) Wholesale sales, storage, or distribution.
- (4) Administrative activities and offices.
- (5) Public Utility (subject to the provisions of §502.7).
- (6) Municipal uses
- (7) Forestry
- (8) Horticulture uses
- (9) Geothermal heating and cooling (subject to the provisions of §503.32)
- (10) Solar energy system as an accessory use (subject to the provisions of §503.33)
- (11) Health and Recreation club (subject to the provisions of §503.37).
- (12) Membership club (subject to the provisions of §503.36).
- (13) No impact home based business
- (14) Public grounds uses
- (15) Accessory buildings with uses customarily incidental to the above uses.
- (16) Shed

B. Special Exceptions

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to the standards and criteria set forth in §503 of this ordinance.

- (1) Any structure exceeding thirty five feet in height to a maximum of 3 ½ stories and 45' building height
- (2) Junk yard (subject to the requirements of §504.16).
- (3) Public Garage (subject to the provisions of §503.26).

- (4) Wind Energy System as an accessory use (subject to the provisions of §503.34).
- (5) Academic Clinical Research Center (subject to the provisions of §503.39).
- (6) Medical Marijuana Grower/Processor (subject to the provisions of §503.40).
- (7) Medical Marijuana Transport Vehicle Service (subject to the provisions of §503.41).
- (8) Medical Marijuana Dispensary (subject to the provisions of §503.42).
- (9) Billboards (subject to the provisions of §509.7.C).

C. Prohibited Uses

- (1) Internet marketplace for short term lodging

3. Lot Area, Lot Width, Building Height and Coverage Requirements.

A. The following regulations shall be observed:

- (1) Minimum lot area - one-half (1/2) acre.
- (2) Minimum lot width at street line - fifty (50') feet.
- (3) Minimum lot width at setback line - one hundred (100') feet.
- (4) Maximum lot coverage - forty-(40%) percent.
- (5) Maximum paved area - thirty (30%) percent.
- (6) Minimum landscape area - thirty (30%) percent.
- (7) Maximum building height – thirty five (35') feet.

4. Setback Regulations. The following setback regulations shall be provided for each principal and accessory building and structure hereafter erected or altered for any use permitted in this district.

A. All buildings and structures (sheds are not permitted in the front yard): fifty (50') feet from the street right-of-way line or seventy-five (75') feet from-the street centerline whichever is the greater.

B. Side Yard.

(1) Principal and accessory buildings and structures: each building or structure shall have two (2) side yards, neither of which shall be less than twenty-five (25') feet.

- (2) Sheds shall have one side yard not less than three (3) feet.

C. Rear Yard.

(1) Principal and accessory buildings and structures: One (1) rear yard not less than fifty (50') feet.

- (2) Sheds shall have one rear yard not less than three (3) feet.
5. Off-Street Parking and Loading Regulations. Subject to the provisions of §506 and §507.
6. Sign Regulations. Subject to the provisions of §508.
7. Screening. Subject to the provisions of §502.

Part 5
Supplementary Regulations

§501. Common Regulations. For the purpose of this Chapter, the following regulations shall apply to all districts.

1. Reduction of Lot Area. No lot shall be so reduced that the area of the lot or the dimensions of the required open spaces shall be less than herein specified.

2. Obstructions to Vision. On any lot, no wall, fence or other structure shall be erected, altered or maintained, and no hedge, tree, or other growth shall be planted or maintained that may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area that is formed by a triangle where the two (2) legs of the triangle extended one hundred (100') feet from the centerline intersection of the two (2) intersecting streets.

3. Projections into Required Yards. Except as may be authorized by other provisions of this Chapter, no portion of any building, including any patio, porch, or deck, whether enclosed or unenclosed, or the part of any living area of any structure, shall extend into any required yard, except projections that may extend into any required yard shall include overhanging eaves, gutters, cornices, or chimneys.

4. Height, Lot Area and Coverage Exceptions.

A. Building or structure height limitations within this Chapter shall not apply to spires, agricultural uses, belfries, cupolas, domes, monuments, poles, chimneys or antennas.

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

B. Lot coverage limitations within this Chapter shall not apply to open porches, patios, or swimming pools, that are not located within the interior of any building.

C. No minimum lot size shall be required for the purpose of servicing any public utility except as required in §502.7 of this Chapter.

5. Yard Requirements for Corner Lots. A front yard as provided for in the area and lot requirements for the various districts shall be required on each street on which a corner lot abuts. The remaining two (2) yards shall be side yards.

6. Structure to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Terre Hill Borough Subdivision and Land Development Ordinance of 2006, as may be amended from time to time, for street design or as subsequently provided for by the Borough.

7. Erection of More than One Principal Building on a Lot.

More than one (1) principal building may be erected on a single lot provided that all lot and yard requirements, standards and other requirements of this Chapter and of Chapter 22 (Subdivision and Land Development Ordinance) shall be met for each structure as though it were on an individual lot. In each case the Zoning Officer shall require suitable provisions for access as defined in §501.6) of this Chapter in the event of potential subdivision of the tract.

§502. Supplementary Use, Design and Performance Regulations.

1. Screening.

A. A completely planted visual barrier of landscape screen shall be provided and maintained between any non-residential district and contiguous properties in residentially zoned

districts, except where natural or physical man-made barriers exist. This screen shall be provided and maintained by the developer of property within the non-residential districts. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of twenty (20') feet. The high level screen shall consist of trees planted with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10') feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2') feet and spaced at intervals of not more than five (5') feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving three (3) years after planting must be replanted.

B. Any existing commercial or industrial use shall not be required to comply with the screening requirements except in case of enlargement or major alteration of same.

C. The screen planting shall be permanently maintained.

D. Where owing to existing conditions, the provisions for screening could create a hardship or is deemed unnecessary, the Zoning Hearing Board may reduce, change or waive the requirements for screening.

E. All storage shall be completely screened from view from any public right-of-way and any residential district which abuts the district. All organic rubbish or storage shall be contained in airtight, vermin-proof containers that shall also be screened from view from any public right-of-way or abutting residential district.

2. Landscaping.

A. Any part or portion of a site that is not used for building or other structures, loading, or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover. It shall be maintained to provide an attractive appearance and all non-surviving plants shall be replaced promptly.

B. Within any district, not less than five (5%) percent of a parking area providing for more than five (5) parking spaces must be landscaped and continually maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, will be considered as part of the five (5%) percent parking area landscaping. In complying with the five (5%) landscaping requirements, the planting beds must be distributed throughout the parking areas as evenly as possible.

3. Access and Traffic Control. All access ways from any commercial or industrial development to any public street or highway shall be located at least two hundred (200') feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress. Where possible, exits shall be located on lesser classification streets rather than major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration lanes required by the Pennsylvania Department of Transportation in the case of egress to major through fares. Where owing to existing conditions, the provisions for access ways could create a hardship or is deemed unnecessary, the Zoning Hearing Board may reduce, change or waive the requirements.

4. Interior Drives and Parking Facilities.

A. Interior drives within any commercial or industrial land development or multiple-family land development plan shall be designed so as to prevent blockage of vehicles entering or leaving the site.

B. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops or refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

C. Interior drives shall be clearly marked by adequate painting marking, (curbing and signs) so that operations of vehicles intending to patronize such parking areas shall not unduly

impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them

5. Commercial Use Performance Regulations.

A. No use shall emit any odor perceptible at the lot boundaries.

B. No glare shall be allowed that is perceptible at the lot boundaries.

C. Noise emanating from a use shall not exceed the level of ordinary conversation at the lot boundaries. Short, intermittent noise peaks may be permitted if they do not exceed normal traffic noise peaks at any point on the lot boundaries.

D. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts which shall be clearly marked and designated for such storage.

6. Industrial Use Performance Regulations.

A. No use shall emit obnoxious, toxic, or corrosive fumes or gases.

B. No use shall emit odors which are perceptible at lot lines.

C. No use shall emit smoke from the primary activities of plant in operations.

D. No use shall discharge into the air dust or other particulate matter.

E. No use shall produce any heat or glare perceptible at or beyond the lot boundaries.

F. No use shall utilize lighting in a manner which produces glare perceptible at or beyond the lot boundaries.

G. No use shall permit physical vibrations perceptible at or beyond the lot boundaries.

H. No use shall produce electromagnetic radiation or injurious radioactive emissions.

I. No use shall engage in the reproduction or storage of any material designed for use as an explosive.

J. No use shall engage in the storage of waste materials on the lot for any period beyond thirty (30) days.

K. No use shall discharge any untreated or potentially dangerous effluent from plant operations.

L. No use shall be conducted so that regular production noise shall exceed the level of ordinary conversation at the boundaries of the lot.

7. Public Utilities. The location of any structure, building, or other installation for the purpose of servicing any public utility may be located within any zoning district subject to the following regulations:

A. A plan shall be filed with the Zoning Officer indicating the location of all existing and proposed structures, buildings or other installations.

B. No building, structure, or other installation shall be nearer than fifteen (15') feet to any property line unless the nature of the utility warrants its placement elsewhere.

C. Any building, structure or other installation shall be subject to the requirements of §§501.1-.5 and .7 as herein provided.

§503 Criteria for Special Exceptions, Conditional Uses and other selected uses

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

1. Requirements for all Special Exception and Conditional Uses.

A. The use sought is specifically provided for as a special exception or conditional use

B. All applicable design standards of the district within which the use is permitted by special exception or conditional use as well as all applicable design standards of §501 (Common Regulations) and §502 (Supplementary Use, Design and Performance Regulations) shall be met. Where any specific special exception or conditional use standards would impose a different standard, the standards of §501 and §502 regulations shall apply.

C. Utilities are provided to adequately serve the intended use.

D. Adequate provisions are made for storm water management such that the storm water from the intended use will not be increased in quantity or velocity onto neighboring properties or into a municipal storm water system which is inadequate to accommodate such runoff.

E. The intended use will occasion no nuisance or hazard to any adjacent property by virtue of noise, odor, traffic congestion, emissions, heat, glare or electromagnetic interference.

F. All specific design standards and regulations shall be met.

G. All points of ingress, egress, traffic lanes, parking areas, clear sight distances and minimum distances vehicular access ways shall be designed not less than the standards provided by The Subdivision and Land Development Ordinance of the Borough of Terre Hill as may be amended from time to time.

H. Pedestrian access to the intended use is safe and convenient.

I. Traffic created by the intended use will not create congestion on adjacent roadways.

J. Adequate provisions are made for the storage and collection of refuse generated by the intended use.

2. Requirements for Home Occupation.

A. Home occupations shall be permitted only in single-family detached dwellings or their accessory buildings.

B. The practice of an occupation shall be permitted, provided that the principal person so employed is a resident of the dwelling unit.

C. Such occupation shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit. Such occupations shall include, by way of illustration and not limitation, doctor (excluding veterinarian), dentist, tutor, artist, architect, lawyer, notary public, barber shop, beauty shop, or accountant.

D. Adequate space for off-street parking and loading shall be provided.

E. The occupation is customarily carried on within a dwelling unit or accessory building by one (1) or more occupants of such dwelling and up to one (1) person not residing in such dwelling may be employed.

F. The area used for the practice of a home occupation shall occupy no more than twenty-five (25%) percent of the total floor areas of the dwelling unit and the and the accessory building or five hundred (500) square feet, whichever is less.

G. No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.

H. No storage of materials or products shall be permitted in open areas.

I. The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.

J. No goods shall be publicly displayed in a manner to be visible from the exterior of the premises, other than approved signs as provided by the Terre Hill Borough Zoning Ordinance.

K. There may be (1) one inspection each year by the Zoning Officer, or a person designated by the Zoning Officer, of home occupations issued a permit, except that in the case of violations of that Chapter, the property may be re-inspected as often as the Zoning Officer or his designee deems reasonably necessary until the violation is fully cured and for one additional 60 day period subsequent to the cure in order to verify continued compliance with this Chapter. In addition, the Zoning Officer, or designee, shall have the right to enter and inspect the premises covered by said permit for compliance purposes following notification of the property owner forty-eight (48) hours in advance of the inspection. Any cost associated with said inspection shall be the responsibility of the owner/operator of the occupation or business based upon a fee schedule to be determined by Borough Council by resolution.

L. The Zoning Hearing Board shall determine hours of operation of the use and hours of truck delivery, based on the proposed location and nature of said use.

3. Requirements for Residential Conversion. A building which has been altered in a residential district, where permitted, to accommodate one or more dwelling units subject to the following regulations:

A. No dwelling unit shall have less than eight hundred (800) square feet of floor area.

B. The lot area per dwelling unit is equal to that required for the district in which the designated lot is located.

C. The yard and building area requirements for the district in which the building is located shall not be reduced.

D. There is minimal external alteration of the building which would alter its residential character, except as may be necessary for reasons of safety. Fire escapes and outside stairways are not permitted on a front wall or facing the street and shall, where practicable, be located to the rear of the building.

E. The off-street parking requirements of this Chapter shall be met.

F. Outside trash storage areas shall be screened

4. Requirements for Non-Residential Conversions. The conversion of a residential dwelling where permitted into a non-residential subject to the following regulations:

- A. The proposed use shall comply with the yard, area, off-street parking, and other requirements of the applicable district.
- B. No existing yards or required open space shall be reduced to less than the requirements of the applicable district governing a permitted use.
- C. The sign regulations of this Chapter shall be met.
- D. All other supplemental regulations of this Chapter that apply to the proposed use shall be met.

5. Requirements for Cluster Development.

The single owner of a parcel of land that is not less than five (5) acres that is located in a residential zone may request from the Zoning Hearing Board that the regulations of this §503 be applied when provided for as a special exception in a residential district subject to the following regulations and application procedures:

- A. Permitted Use: Single-family attached dwellings.
- B. A maximum of five (5) dwelling units per gross acre is permitted.
- C. The minimum lot size: two thousand (2,000) square feet per dwelling unit.
- D. Maximum lot coverage: forty (40%) percent.
- E. Minimum lot width at setback line and street line: twenty (20') feet per dwelling unit. No more than eight (8) dwelling units may be attached in any building.
- F. The setback and building height requirements of the R-2 Residential District shall apply.
- G. A substantially contiguous amount of open space of not less than one and one-half (1.5) acres shall be reserved for park, playground or other suitable recreational facility, for every five (5) dwelling units constructed in the development. Such reservation shall be made by any of the following procedures:
 - (1) The acceptance of the deed to such land by the Borough.
 - (2) The sale, lease, or other disposition of such property to a private or non-profit corporation or company chartered under the laws of Pennsylvania to administer deed restrictions limiting eventual disposition of said property for the purpose stated in the articles of incorporation, bylaws, or operating agreement.
 - (3) The inclusion of a portion of said property in the deed descriptions of the individual purchasers of subdivisions subject to an acceptable deed restriction limiting eventual disposition of that portion to be used for the purposes outlined in a plan submitted to the Board. Access rights for all residents within the development shall be guaranteed, and adequate maintenance of said property shall also be guaranteed.
- H. The off-street parking and sign regulations of this Chapter shall apply.
- I. §§502 and 502.1-.5 shall apply.
- J. The application for a cluster development shall be referred to the Planning Commission which shall have thirty (30) days to review the application and make recommendations to the Board. The application shall include:
 - (1) A legal description of the property.

(2) A sketch plan showing the overall development plan.

(3) A description of the means by which the open space regulations shall be applied.

6. Requirements for Planned Shopping Center.

A planned shopping center shall be permitted by special exception within the C-N Commercial District subject to the following regulations:

A. Minimum lot: three (3) acres.

B. Minimum gross floor area: thirty thousand (30,000) square feet.

C. Minimum lot width at street line: fifty (50') feet.

D. Minimum lot width at setback line: two hundred (200') feet.

E. Maximum building coverage: twenty-five (25%) percent.

F. Maximum paved area: sixty-five (65%) percent.

G. Minimum landscape area: ten (10%) percent.

H. The setback and building height requirements of the C-N Commercial/Neighborhood District, shall apply.

I. The off-street parking and loading and sign regulations of this Chapter shall apply.

J. §§501 and 502.1-6 shall apply.

K. The Board may require that a traffic study be submitted by the applicant when doubt exists concerning the adequacy of the existing or proposed road systems to accommodate increased traffic from the shopping center development. Such study shall be prepared in sufficient detail to determine peak traffic volumes and road capacities and provide solutions to traffic congestion.

7. Requirements for Bed and Breakfast.

A. There shall be no separate kitchen facilities, nor shall there be separate cooking facilities, including oven, stove, microwave, hot plate, etc., in any guest room. Food preparation shall be only for guests who are staying overnight and be limited to breakfast.

B. At least one (1) full bathroom shall be provided for use by every two (2) guestrooms.

C. One (1) off-street parking space shall be provided for each room available for occupancy, with one (1) additional off-street parking space for the owner of the premises.

D. No more than five (5) rooms available for occupancy shall be permitted, in addition to rooms dedicated to the exclusive use and occupancy by the owner and his family. Rooms available for occupancy shall not include common areas.

E. The bed and breakfast establishment shall comply with all applicable State and Federal regulations including without limitations to the regulations of the Pennsylvania Department of Labor and Industry.

F. The use shall be carried on by members of a family, who must reside in the primary premises.

G. The maximum, uninterrupted length of stay at a bed and breakfast shall be fourteen (14) days.

8. Requirements for Accessory Buildings over 680 Square Feet.

A. The applicant shall explain the reasons why the accessory building must exceed 680 square feet in gross floor area. Furthermore the applicant must describe the intended use of the accessory building which must be incidental to the principal use of the property.

B. The applicant shall demonstrate that the lot coverage requirements of the zone in which the accessory building is proposed will not be violated.

C. The Zoning Hearing Board may require the erection of a landscape screen on the subject property if it determines that the proposed use would disrupt the character of the neighborhood or adjoining properties.

D. No accessory building or structure larger than 680 square feet located in the R1, R3 or RC zoning districts shall be erected within ten (10') feet of the principal building or erected within ten (10') of a property line.

E. No accessory building or structure larger than 680 square feet located in the R1, R3 or RC zoning districts shall exceed fifty percent (50%) of the footprint of the principal building.

F. The total footprint of multiple accessory buildings or structures located in the R1, R3 or RC zoning districts shall not exceed fifty percent (50%) of the footprint of the principal building.

9. Requirements for Hotels and Motels.

A. Recreational facilities shall be limited to guests of the use.

B. A restaurant is a permitted accessory use.

C. Hotels and motels shall serve only temporary guests. A use that is routinely inhabited by any persons for periods for longer than 14 consecutive days, or 30 cumulative days within a one hundred eighty day time period, shall be considered a boarding house and regulated as such.

D. A hotel or motel shall comply with all applicable Borough, state and other building, plumbing and electrical code requirements.

E. A buffer yard/screen planting of no less than five feet across the lot from the use to the property line shall be maintained along rear and side lot lines abutting a residential use. Screening shall be provided in accordance with §502.1 of this Chapter.

10. Requirements for Boarding Houses.

A. There shall be minimal external alteration of the building which alters its residential character, except as may be necessary for reasons of safety. Fire escapes and other outside stairways are not permitted on a front wall or facing the street and shall, where practicable, be located to the rear of the building.

B. All floors above the second story or below grade shall have a permanently affixed direct means of escape to ground level.

C. One off-street parking space shall be provided for each room available for rent, in addition for those required for the dwelling unit.

D. Meals shall be offered only to registered tenants.

E. A Boarding House shall comply with all applicable Borough, state and other building, plumbing and electrical code requirements.

11. Requirements for Tourist Homes and Inns.

- A. Recreational facilities will be limited to guests of the use.
- B. A restaurant is a permitted accessory use.
- C. Tourist Homes and Inns shall serve only temporary guests. A use that is routinely inhabited by any persons for periods for longer than 14 consecutive days, or 30 cumulative days within a one hundred eighty day time period, shall be considered a boarding house and regulated as such.
- D. A Tourist Home or Inn shall comply with all applicable Borough, state and other building, plumbing and electrical code requirements.
- E. A buffer yard/screen planting of no less than five feet across the lot from the use to the property line shall be maintained along rear and side lot lines abutting a residential use. Screening shall be provided in accordance with §502.1 of this Chapter.

12. Requirements for Churches, Church with Cemetery and related uses.

- A. Maximum height restrictions shall not apply to churches
- B. Minimum lot area shall be 20,000 square feet
- C. Churches shall be subject to all other dimensional requirements of the zoning district where located
- D. All residential uses shall be accessory and located upon the same lot or adjacent to the lot containing the church.
- E. All residential uses shall be subject to the dimensional requirements of the zoning district where located
- F. All educational or day-care uses shall be accessory and located upon the same lot or adjacent to the lot containing the church.
- G. If education or day-care is offered below the middle school level, an outdoor play area shall be provided of at least one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas unless the applicant can demonstrate that such parking lots are not used during play periods. Outdoor play areas shall not be located within the front yard and must be set back ten (10) feet from all property lines. All outdoor play areas must provide a means of shade such as shade trees or pavilions. Any vegetative material located within the play area shall not be of a harmful type (poisonous, thorny, allergenic, etc.)
- H. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven day period.
- I. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- J. Unless the applicant can demonstrate that the off-street parking associated with the church is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) persons enrolled plus one (1) parking space for each employee.

13. Requirements for Cemetery.

- A. Minimum area of two (2) acres, which may be on the same lot as a permitted church.
- B. All structures and graves shall be set back a minimum of thirty (30) feet from any existing or future right-of-way of any public street, ten (10) feet from the cartway of an internal driveway and twenty (20) feet from any other lot line. Any building or structure with a height greater than twenty (20) feet shall be set back a minimum of fifty (50) feet from all lot lines.

C. No grave sites and no structures shall be located within the 100 year flood plain.

D. The applicant shall prove to the satisfaction of the Zoning Officer, and approved by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

14. Requirements for Adult Oriented Business and Adult Uses.

A. These regulations on Adult Oriented Businesses and Adult Uses are intended to serve the following purposes in addition to the overall objectives of this ordinance.

(1) To recognize the adverse secondary impacts of these adult uses that may affect health, safety and general welfare concerns of the Borough and its residents and taxpayers.

(2) To limit Adult Uses to locations where these adverse secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization and to not attempt to suppress any activities protected by the free speech protections of the State and U.S. Constitutions, but instead to control adverse 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) 200 feet from the lot line of an existing dwelling;

(2) 200 feet from the lot line of any lot in a residential district; and

(3) 1,000 feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreational trail, day care center or nursery school.

C. No Adult Use shall be located within 1,000 feet of any other Adult Use.

D. A 50 foot buffer yard 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 and maintain continuous screening by evergreen trees with an initial height of at least five feet.

E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite reasonable precautions shall be made to prohibit minors from entering the premises, which shall be approved by the Zoning Hearing Board.

F. No Adult Use shall be used for any purpose that violates any Federal, State or local law.

G. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside the premises.

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 law or court decisions.

I. An Adult Use shall be prohibited in all districts except where specifically allowed. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.

J. A minimum lot area of 30,000 square feet is required.

K. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, without limitation, booths for viewing adult movies or nude dancers.

L. No use may include live actual or simulated sex acts or any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment use, employees, dancers or entertainers shall maintain a minimum distance of two feet from customers. This shall include, without limitation, a prohibition on “lap dancing.”

M. Only lawful massages as defined by Federal and State court decisions shall be performed in a massage parlor.

N. All persons within any Adult Use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful “adult live entertainment facility.”

O. Any application for such use shall state the names and home addresses of an on-site manager responsible to ensure compliance with this Chapter on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Borough business hours. Such information shall be updated whenever it changes in writing to the Zoning Officer.

P. The use shall not operate between the hours of 12 midnight and 7 AM.

Q. As specific conditions of approval under this Chapter, the applicant shall prove compliance, when applicable, with the following State laws, as amended: The Pennsylvania Liquor Code, Act 219 of 1990 which pertains to the sale and consumption of alcohol, Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult Oriented Establishments and limits the enclosed viewing booths among, other matters).

R. An Adult Use shall not be on the same lot as a use that sells alcoholic beverages.

15. Requirements for Public and Private school or Educational Facility.

A. The lot area shall be determined on the basis of the building size and yard requirements listed below and parking requirements, but in no case shall be less than one acre.

B. Lot impervious coverage shall not be greater than that required within the respective district.

C. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall be less than 150 feet in width.

D. Each yard shall have yards not less than the following depths or widths:

- (1) Front yard depth: 50 feet
- (2) Side yard: two in number, 25 feet each
- (3) Rear yard: 50 feet

E. A completely planted visual barrier of landscape screen shall be provided and maintained, without creating a safety concern, alongside and rear lot lines.

F. Off-street parking shall be provided in accordance with the provisions of §508.

G. No children’s play equipment, basketball courts or illuminated recreational facilities shall be within 25 feet of a residential lot line.

16. Requirements for Junk Yards.

A. A side yard and rear yard of fifty (50’) feet shall be provided from an adjacent industrial or commercial zone. A side yard and rear yard of two hundred (200’) feet shall be provided adjacent to any residential zone.

B. All materials stored on the premises shall be within an area enclosed by fencing of such materials, and of sufficient height, so that all activities conducted and materials stored within such area shall not be visible from adjacent lots, or from the public road. Such fencing shall not be constructed within the yards as required by this Section, or by other provisions of §401. In addition to such fencing, screening and landscaping shall be provided in accordance with §502.1 and §502.2 of this Chapter.

C. Operations of the premises shall be conducted only during the daylight hours. During non-operating hours, the premises must be secured so as to prevent access to the premises by any unauthorized person.

D. All water runoff from the premises shall be controlled and treated so as to prevent the discharge of surface waters contaminated or polluted with any materials or chemicals stored on the premises from flowing onto any adjacent lot, or onto the public road.

E. No storage of materials deemed to be hazardous waste materials shall be permitted.

F. No noise shall be permitted to emanate from the property which, on any adjacent lot, would exceed the volume of normal conversation.

17. Requirements for Mobile Homes.

A. A Mobile Home may be installed on an individual lot or within a Mobile Home Park approved after the adoption of this ordinance.

B. A Mobile Home shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development.

C. Each lot shall be graded to provide a stable and well drained area.

D. Each Mobile Home shall have hitch, wheels and axles removed

E. A Mobile Home on any lot shall include a system that secures the home to the ground to prevent shifting, overturning or uneven settling of the home, and shall have a secure base for the tie-downs. The Mobile Home must be attached to the foundation wall by anchor bolts or similar attachments approved by the Zoning Officer, as contrasted with the mere setting of the Mobile Home on the foundation wall system.

F. The space between the bottom of the Mobile Home and the ground or home pad shall be enclosed using a durable material that has the appearance of a foundation of a site-built home, such as material with a concrete type facing. This subsection shall not apply within a Mobile Home Park. Metal or vinyl skirting shall only be permitted within a Mobile Home Park. Provisions shall be provided as necessary for access to utility connections.

G. The foundation for the dwelling shall be an entire perimeter wall, either of concrete or masonry construction, extending from below the frost line to the underside of the dwelling.

H. The front door shall face onto a public street except within a Mobile Home Park.

I. A Mobile Home shall not be permitted within a state certified or National Register Historic District.

J. The Mobile Home shall have a roof with a minimum pitch of 3.5:1

18. Requirements for Mobile Home Park.

A. Plans shall be submitted and reviewed by the Borough for all mobile home parks in compliance with the provisions of the Subdivision and Land Development Ordinance and all other such ordinances that apply to a land development.

B. The minimum tract area shall be one acre, which shall be under single ownership.

C. The maximum average density of the tract shall be 5 dwelling units per acre. To calculate this density:

(1) Land in common open space or proposed streets within the park may be included

(2) Land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.

D. Each mobile home park shall have a 25 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. The same area of land may count towards both the landscaped area and the building setback requirements.

E. A dwelling, including attached accessory buildings, shall be set back a minimum of 25 feet from any other dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling within the park.

F. The minimum separation between homes and edges of interior street cartway or parking court cartway shall be 25 feet.

G. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 40 feet.

H. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.

I. A minimum of 10 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents.

J. Streets:

(1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the mobile home park.

(2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 25 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.

19. Requirements for Taverns, Clubs or Lodges, Nightclubs and Restaurants that serve alcohol.

A. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light or litter.

B. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

C. A working plan for clean-up of litter shall be furnished and implemented by the applicant.

D. A buffer yard/screen planting of no less than five feet in depth shall be maintained along rear and side lot lines abutting a residential use.

20. Requirements for Retail Sales of Alcoholic Beverages.

A. The applicant shall furnish evidence that there will no consumption of alcoholic beverages on the premises.

21. Requirements for Outdoor Café.

A. Outdoor Cafes shall only be provided as accessory uses to a principal restaurant, tavern, bed & breakfast or similar food service establishment.

B. Outdoor Cafes located within a front yard that serve alcohol shall be enclosed by a three foot high wall or fence with a lockable gate.

C. Outdoor Cafes located within a side or rear yard shall be screened from adjoining properties.

D. During use, each outdoor café must be continuously supervised by an employee of the restaurant

E. Any lighting, music or sound system serving the outdoor café shall be designed so as not to constitute a nuisance to adjoining properties.

F. A working plan for clean-up of litter shall be furnished and implemented by the applicant.

G. All outdoor seating shall be removed during seasonal periods when not in use.

22. Requirements for Public Swimming Pool.

A. The water surface shall be set back at least 50 feet from any existing dwelling on another lot

B. Minimum lot area is one acre

C. Any water surface within 100 feet of an existing dwelling on another lot shall be separated by a screened buffer area as described in §502.1.

D. The water surface shall be surrounded by a secure, well maintained fence at least six feet in height.

E. The applicant shall furnish a plan for proper drainage of the water from the pool that will not flood other properties.

23. Requirements for Private Swimming Pools.

A. A private swimming pool, spa or whirlpool designated to contain a water depth of twenty-four (24) inches or more shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:

B. Permit. A zoning permit shall be required to locate, construct or maintain a private swimming pool, spa or whirlpool.

C. Location. No pool, spa or whirlpool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10) feet from any street line, within

ten (10) feet of a side or rear lot line or be under any electrical lines or over any on-lot sewage disposal field or system. No portion or any walkway or pool appurtenance structure shall be closer than four (4) feet to any lot line.

D. Fence. Every private swimming pool, spa or whirlpool shall be provided with a permanent barrier securely anchored in the ground and of sufficient strength and support to prevent the permanent barrier from being pushed over, cut or collapsing from external forces. The permanent barrier shall comply with the following:

(1) The top of the barrier shall be at least forty-eight (48) inches above finished ground level measured on the side of the barrier which faces away from the swimming pool, spa or whirlpool. The maximum vertical clearance between finished ground level and the bottom of the barrier shall be four (4) inches measured on the side of the barrier which faces away from the swimming pool, spa or whirlpool. When the top of the pool, spa or whirlpool is above finished ground level, such as an above-ground pool, the barrier may be at finished ground level, such as the pool, spa or whirlpool structure, or mounted on top of the pool, spa or whirlpool structure. Where the barrier is mounted on top of the pool, spa or whirlpool structure, the maximum vertical clearance between the top of the pool, spa or whirlpool structure and the bottom of the barrier shall be four (4) inches.

(2) Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.

(3) Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool, spa or whirlpool side of the fence. Spacing between vertical members shall not exceed one and three-fourths ($1\frac{3}{4}$) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths ($1\frac{3}{4}$) inches in width.

(5) Maximum mesh width for chain link fence shall be a one and one-fourth ($1\frac{1}{4}$) inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to not more than one and three-fourths ($1\frac{3}{4}$) inches in width.

(6) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than one and three-fourths ($1\frac{3}{4}$) inches.

(7) Access gates shall comply with the requirements of Subsections 1 through 6 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool, spa or whirlpool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism shall be located on the pool, spa or whirlpool side of the gate at least three (3) inches below the top of the gate and the gate and barrier shall not have an opening greater than one-half ($1/2$) inch within eighteen (18) inches of the release mechanism.

(8) Where an above-ground pool, spa or whirlpool structure is used as a barrier or where the barrier is mounted on top of the pool, spa or whirlpool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subsections 1 through 7. When the ladder or steps are secured, locked or removed, any opening created shall not allow passage of a four (4) inch diameter sphere.

(9) Spas and whirlpools may have alternate means other than fences to prevent unauthorized use.

E. Water. If the water for such pool, spa or whirlpool is supplied from a private well, there shall be no cross-connection with the public water supply system. If the water for such pool, spa or whirlpool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool, spa or whirlpool.

F. Drainage. The drainage of any pool, spa or whirlpool shall not affect other properties, water or sewerage facilities, or streets.

G. Noise. No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property or lot where such pool, spa or whirlpool is located.

H. Lighting. No lighting or spotlight shall be permitted that shines directly upon or beyond the bounds of the property or lot where such pool, spa or whirlpool is located.

I. Annual Inspection. The Borough Zoning Officer may inspect each pool, spa or whirlpool annually to ensure continued compliance with this Ordinance, except that in the case of violations of that Chapter, the property may be re-inspected as often as the Zoning Officer or his designee deems reasonably necessary until the violation is fully cured and for one additional 60 day period subsequent to the cure in order to verify continued compliance with this Chapter.

24. Requirements for Residential uses of not more than two dwelling units in any building, which building also contains either a retail store, restaurant, office, or personal service establishment.

A. The applicant shall show that the commercial use does not in any way endanger the residents.

B. The applicant shall show that the commercial activity will not be detrimental to the residential use due to hours of operation, noise, odor, light or litter.

25. Requirements for Funeral Homes.

A. The lot area shall be determined on the basis of building size, yard requirements listed below and parking requirements, but in no case shall be less than 10,000 square feet.

B. Minimum front, side and rear yard setbacks shall be 15 feet.

C. A buffer yard/screen planting of no less than five feet in depth shall be maintained along the rear and side lot lines abutting a residential use.

26. Requirements for a Public Garage.

A. All activities except those to be performed at the fuel or air pumps shall be performed within a building.

B. All painting work shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings.

C. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots, and shall comply with §502.5(Commercial Use Performance Regulations).

D. Fuel pumps shall be at least 30 feet from the existing street right-of way and shall meet side yard principal building requirements.

E. Fuel pumps shall be at least 30 feet from any lot line of a lot occupied by a residential use.

F. Any unlicensed, uninspected or junk vehicle shall not be stored more than 10 days within view of a public street or dwelling. No vehicle as described above may be stored within 20 feet of an existing right of way. No more than three vehicles as described above shall be stored outside of an enclosed building at any time.

27. Requirements for a Gasoline Service Station.

A. All activities except those to be performed at the fuel or air pumps shall be performed within a building. This use shall not include spray painting.

B. Fuel pumps shall be at least 30 feet from the existing street right-of-way and shall meet side yard principal building requirements.

C. Fuel pumps shall be at least 30 feet from any lot line of a lot occupied by a residential use.

D. Any unlicensed, uninspected or junk vehicle shall not be stored more than 10 days within view of a public street or dwelling. No vehicle as described above may be stored within 20 feet of an existing right of way. No more than three vehicles as described above shall be stored outside of an enclosed building at any time.

28. Requirements for Gas Station Minimart.

A. All activities except those to be performed at the fuel or air pumps shall be performed within a building. This use shall not include spray painting.

B. Fuel pumps shall be at least 30 feet from the existing street right-of-way and shall meet side yard principal building requirements.

C. Fuel pumps shall be at least 30 feet from any lot line of a lot occupied by a residential use.

D. Storage of unlicensed, uninspected or junk vehicle shall not be permitted for this use.

29. Requirements for Vehicular Sales and Service.

A. All activities except those to be performed at the fuel or air pumps shall be performed within a building-

B. Fuel pumps shall be at least 30 feet from the existing street right-of-way and shall meet side yard principal building requirements.

C. Fuel pumps shall be at least 30 feet from any lot line of a lot occupied by a residential use.

D. Any unlicensed, uninspected or junk vehicle shall not be stored more than 10 days within view of a public street or dwelling. No vehicle as described above may be stored within 20 feet of an existing right of way. No more than three vehicles as described above shall be stored outside of an enclosed building at any time.

30. Requirements for Townhouses and Condominiums.

A. Specific Intent. The intent of this Section is to provide regulations that encourage well-planned and designed townhouse and condominium developments appropriate to the district and in harmony with adjacent existing development.

B. Townhouse and Condominium Lots The division or a development into lots is not required so long as the land upon which it is situated remains in single undivided common ownership (including condominium ownership). Whether or not lots are involved, a development shall be designed in compliance with the following standards:

(1) Centralized Water and Sewer. All townhouses and condominiums shall be served by public water supply and a public sanitary sewer system. Each townhouse must have a separate water meter and remote reader.

(2) Underground Utilities. All utilities shall be placed underground.

(3) Minimum Frontage. There shall be a minimum of one hundred (100) feet on a public street for each development.

(4) Minimum Lot Area. For each development there shall be a minimum of one half (1/2) acres. For each unit there shall be a minimum of two thousand (2,000) square feet.

(5) Minimum Building Width. There shall be eighteen (18) feet for each building.

(6) Maximum Height. Maximum height of all buildings shall not exceed two (2) stories or thirty-five (35) feet except that the basement floor of any dwelling may open to grade at the rear only. Maximum height may be increased to three (3) stories when garages are included in the first floor level.

(7) Minimum Yard Area. For each townhouse or condominium there shall be a yard, patio or other outdoor areas immediately adjacent to the rear or side of each dwelling of not less than three hundred (300) square feet for the exclusive use of the occupants of that dwelling. If a development is subdivided into lots, the same test shall apply in determining the minimum size of the lot.

(8) Maximum Density.

a. The density shall not exceed six (6) dwelling units per gross acre of land included within the development in the R-1 District, and shall not exceed 10 (10) dwelling units per gross acre of land included within the development in the R-C District, and shall not exceed fifteen (15) dwelling units per gross acre of land included within the development in the R-2 District.

b. In addition, no land of such size as to be capable of further development or subdivision for additional dwelling units shall be counted to determine maximum density unless the possibility of such development or subdivision is precluded by deed restriction or agreement in a form acceptable to the Borough Solicitor and duly recorded in the Office of the Recorder of Deeds for Lancaster County, by transfer of development rights to the Borough, or by dedication for public purposes.

(9) Total Impervious Coverage. Not more than sixty-five (65) percent of the gross land area comprising a development shall be covered with buildings or other impervious surface as defined elsewhere in this chapter.

(10) Townhouse and Condominium Buildings. A group of not less than three (3) and not more than eight (8) townhouses or condominiums shall be attached to each other by party walls. No more than two (2) adjacent townhouses in any townhouse

building shall have the same back and front setback line. The minimum variation of front and back setback line shall be sixteen (16) inches.

(11) External Property Line Building Setback. Townhouse and condominium buildings shall be setback from the original tract boundary property line a minimum distance of thirty (30) feet.

(12) Building Setback from Public and Private Streets. Townhouse and condominium buildings shall have a minimum of thirty (30) feet setback from the street right-of-way line of proposed streets. All garages, whether attached or unattached, shall meet these same setback requirements.

(13) Building Separations. Facing walls are walls opposite to and parallel with one another and any opposite walls whose lines, if extended, would intersect at angles of less than sixty-five (65) degrees. The minimum horizontal distance (between facing walls) of any two (2) buildings on one (1) lot or any one (1) building with facing wall shall be as follows:

a. Where two (2) facing walls both contain a window or windows and outdoor patios: not less than seventy (70) feet. This distance may be reduced to fifty (50) feet where permanent screen walls are constructed.

b. Between two (2) facing walls only one (1) of which contains a window or windows: not less than thirty (30) feet.

c. Between two (2) facing walls neither of which contains a window or windows: not less than twenty (20) feet.

(14) Minimum Open Space.

a. Minimum open space shall be twenty (20) percent of the total site excluding existing street rights-of-way. Priority for selecting areas of open space preservation shall be given to watercourses, ponds, floodplain areas, alluvial soils, lands having slopes in excess of fifteen (15) percent and forests with trees greater than six (6) inches caliper covering an area larger than one-half (1/2) acre. The open space land selected pursuant to these priorities shall not be improved or used in such manner as to disturb its natural characteristics.

b. The proper operation and maintenance of all open spaces shall be secured by an appropriate organization with legal responsibility for the same. If the dwellings are sold, the organization may be a condominium, cooperative, a homeowners association, trust or other appropriate nonprofit organization of the dwelling unit owners, organized in a manner found by the Borough Solicitor to be legally effective and able to carry out its maintenance and operating responsibilities. It is the intention of this Ordinance to authorize the remedies provided in the MPC and the same are hereby incorporated by reference, which can't in case they change in the future shall be in addition to any and all other available remedies

(15) Buffer Yard. A twenty (20) foot buffer yard with screening shall be located along the sides and rear of any townhouse development in an R-1 District

(16) Accessory Buildings and Structures. All accessory buildings and structures shall be constructed and placed to meet the regulations of the applicable zoning district and §503

(17) Homeowner or Condominium Agreements. If any dwelling units are to be sold under homeowner's and/or condominium agreements, such agreements or documents must be filed with the subdivision/land development plan.

(18) Off-Street Parking. The off-street parking requirements of §508 shall be complied with.

31. Requirements for Mixed Uses.

A. When two or more principal uses occupy the same lot but not the same building, all parking, lot areas, lot width, building setbacks, height and building area requirements shall be provided so that the requirements pertaining to each use will be met in full.

B. No building to the rear of and on the same lot with a principal building shall be erected or used for any purpose other than an accessory use to the principal building on the lot or a home occupation as approved by the Zoning Hearing Board.

C. When two or more principal uses occupy the same building on the same lot all parking, lot areas and building area requirements shall be provided so that the requirements pertaining to each use will be met in full.

D. On a corner lot containing two principal structures, each structure must conform completely to all regulations as if it were two separate lots.

32. Requirements for Geothermal Energy System.

A. Open loop geothermal systems are prohibited. No person shall install, maintain or operate an open loop system within the Borough.

B. In addition to all other requirements to obtain a zoning permit, the applicant shall state the kind of system to be installed; the name, address and telephone number of the proposed installer; and the plot plan of the lot, indicating the size of the lot and the location of the geothermal boreholes for the heat pump system. Said site shall be available for inspection prior to completion.

C. No person shall construct or install a geothermal system except as provided in this Chapter. Nor shall any person dig, bore, drill, replace, modify or destroy a well that is intended to be or was part of a geothermal system nor make any other excavation that may intersect groundwater without first obtaining a permit from the Borough.

D. The only type of geothermal boreholes permitted to be drilled within the Borough are:

- (1) Air to air;
- (2) Closed loop horizontal; and
- (3) Closed loop vertical

E. The only heat transfer fluids to be used in said system are a nontoxic, environmentally safe material approved by the Borough Engineer.

F. All horizontal closed loop systems shall be no more than twenty (20) feet deep.

G. Unless otherwise specified, geothermal system shall be located a minimum distance of twenty five feet (25) feet from any property line.

H. Above-ground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.

I. The only pipe which may be used for installation is geothermal polyethylene pipe or pipe material meeting the most current standard of the industry as approved by the Borough Engineer.

J. All geothermal systems installed under the provisions of this Section shall be tested hydrostatically at one and one half times the maximum system design pressure, but not less than 200 psi. The duration of each test shall be not less than 15 minutes.

K. Certified test results shall be provided to the Borough Engineer.

L. All bore holes shall be drilled by a Pennsylvania registered and licensed water well driller.

M. The property owner shall maintain a well log of the bore holes and “as built” plans showing the location and specifications of the closed loop geothermal components.

N. The contractor shall provide data sheets indicating that the grout meets the requirements of NSF/ANSI Standard 60, Drinking Water Treatment Chemicals-Health Effects.

O. If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a permit has been obtained in accordance with the following:

(1) The heat pump and any external mechanical equipment shall be removed and

(2) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

33. Requirements for Solar Energy Systems.

A. Solar Energy Systems are permitted by right as an accessory use in all zoning districts where structures of any sort are allowed, as long as it meets the requirements of this Chapter and all other applicable construction codes as set forth below.

B. A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

C. The owner of the solar energy system shall provide written authorization that the public utility company has been informed of the customer’s intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

D. Any upgrades, modifications or changes that materially alter the size or placement of an existing Solar Energy System shall comply with the provisions of this Chapter.

E. To the extent applicable, the Solar Energy System shall comply with all applicable building and construction codes as amended and any regulations adopted by the Department of Labor and Industry.

F. The design and installation of accessory solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Municipal Building Code and with all

other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

G. All exterior electrical or plumbing lines must be buried below the surface of the ground and be placed in a conduit.

H. Whenever practical, all accessory solar energy systems shall be attached to a building, or located on an impervious surface. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitations of the building.

I. Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

J. No portion of an accessory solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.

K. Building mounted or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices

L. Ground mounted or pole mounted solar energy systems shall not exceed the maximum accessory structure height within the underlying district.

M. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

N. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

O. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

P. All solar energy systems shall require plan approval by the municipal zoning officer.

Q. Plan applications for solar energy systems shall be accompanied by to-scale drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

R. Applications that meet the design requirements of this ordinance shall be granted administrative approval by the Zoning Officer and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

34. Requirements for Wind Energy System.

A. Wind energy systems may be permitted in certain zoning districts, as long as they meet the requirements of this Chapter and all other applicable construction codes.

B. A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

C. Accessory wind systems shall be limited to one.

D. The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height plus fifteen feet. The total extended height shall not exceed seventy five feet. The minimum height of the lowest position of the wind turbine shall be twelve feet above the ground.

E. Sound produced by the turbine under normal operating conditions shall not exceed 60 dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed 70 dBA. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages or severe wind storms.

F. The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations; and also shall comply with the Borough Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

G. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building requirements specified within the underlying zoning district and other applicable provisions of this Chapter.

H. Building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, or foundation as provided by the manufacturer.

I. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies.

J. Building permit applications for accessory wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to applicable industry standards.

K. No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

L. If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons.

M. No illumination of the turbine or tower shall be allowed unless required by the FAA.

N. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing, or secured in such a fashion that only the applicant or his installers, repairmen, or other authorized agents may access same. For lattice or guyed towers, sheets of metal or wood may be fastened.

35. Requirements for Amusement Enterprise.

A. Amusement enterprises shall be located at least 500 feet from school buildings, school playgrounds, church buildings and any other amusement enterprise.

B. The amusement enterprise shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses.

C. Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of two feet shall be provided between machines when it is designed for use by two players. The depth of space in front of the machine shall be at least five feet, and there shall be a minimum aisle width beyond this five feet of an additional three feet.

D. Readily visible signs shall be installed, with their location, size and text shown in plans submitted to the Zoning Officer, stating that the use of machines by persons under 16 years of age shall be prohibited during normal school hours and, where the premises are used primarily for the serving or consumption of alcohol, that the use of machines by persons under the age of 21 is prohibited at all times.

E. Off street parking shall be provided in accordance with §508 (Off Street Parking Regulations).

36. Requirements for Membership Clubs.

A. Off street parking shall be provided as required by the combination of elements comprising the membership club, including accessory uses.

B. Any active outdoor play area shall be set back at least 30 feet from any residential lot line and 50 feet from the street right of way.

C. Any accessory eating or retail use shall not be directly accessible without passing through the main clubhouse building

D. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

37. Requirements for Health and Recreation Clubs.

A. Off street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.

B. Any active outdoor recreation facility shall be set back at least 30 feet from any residential lot line and 50 feet from the street right of way.

C. Any accessory eating or retail use shall not be directly accessible without passing through the main clubhouse building

D. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

38. Requirements for Communication Towers and Antennas.

A. Free-standing towers shall not exceed a height of 100 feet.

B. Height of a communication tower is the distance from the base of the tower to the top of the antenna.

C. Towers or antennas mounted on buildings, water tanks or structures other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure.

D. Evidence that a valid FCC license for the proposed activity has or will be been issued.

E. Applicant will provide line of sight analysis showing the potential visual and aesthetic impacts.

F. Applicant will provide a written agreement to remove the tower or antenna within 180 days after cessation of use.

G. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

H. Applicant must show that a proposed tower or antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.

I. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.

J. Prior to consideration of a permit for location on private property that must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

K. Applicant must show that a new tower is designed to accommodate additional antennas equal in number to applicant's present and future requirements.

L. A permit for a proposed tower site within 1000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

M. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Officer a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate that may arise from operation of the facility during its life, at no cost to the municipality, in a form approved by the municipal attorney.

N. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

O. A tower must be set back from all lot lines distances equal to the district setback requirements or 50% of the tower height, whichever is greater.

39. Requirements for Academic Clinical Research Center

A. Parking requirements will follow the parking schedule found in §508 Off-Street Parking Regulations as listed for office, clinic and financial institution.

B. An academic clinical research center may only grow medical marijuana in an indoor, enclosed and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

C. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

D. A buffer yard/screen planting of no less than five feet in depth shall be maintained along rear and side lot lines abutting a residential use. Screening shall be provided in accordance with §502(l) of this Chapter.

40. Requirements for Medical Marijuana Grower/Processor

A. A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the DOH.

B. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

C. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

D. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

E. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.

F. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

G. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.

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

I. Parking requirements will follow the parking schedule found in §508 Off-Street Parking Regulations.

J. A buffer yard/screen planting of no less than five feet in depth shall be maintained along rear and side lot lines abutting a residential use. Screening shall be provided in accordance with §502(l) of this Chapter.

K. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

1. All accesses must secure the appropriate highway occupancy permit (State, township or borough).
2. Applicant will provide line of sight analysis showing the potential visual and aesthetic impacts.
3. The driveway must be designed and improved to the standards expressly described in §508(J) of this Ordinance.

L. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

41. Requirements for Medical Marijuana Transport Vehicle Service

- A. A traffic impact study is required where the office is operated.
- B. Parking requirements will follow the parking schedule found in §508 Off-Street Parking Regulations, wholesale sales and storage.
- C. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- D. A buffer yard/screen planting of no less than five feet in depth shall be maintained along rear and side lot lines abutting a residential use. Screening shall be provided in accordance with §502(l) of this Chapter.
- E. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
 - 1. All accesses must secure the appropriate highway occupancy permit (State, township or borough).
 - 2. Applicant will provide line of sight analysis showing the potential visual and aesthetic impacts.
 - 3. The driveway must be designed and improved to the standards expressly described in §508(J) of this Ordinance.
- F. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
- G. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

42. Requirements for Medical Marijuana Dispensary

- A. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- D. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- E. Permitted hours of operation of a dispensary shall be 8 am to 8 pm [of the same calendar day].
- F. A medical marijuana dispensary shall be a maximum of 5,000 gross square feet, of which no more than 1,250 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
- G. A medical marijuana dispensary shall:
 - 1. Not have a drive-through service;

2. Not have outdoor seating areas;
3. Not have outdoor vending machines;
4. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
5. Not offer direct or home delivery service.

H. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

I. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

J. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.

K. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.

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

M. Parking requirements will follow the parking schedule found in §508 Off-Street Parking Regulations as listed for office and clinic.

N. A buffer yard/screen planting of no less than five feet in depth shall be maintained along rear and side lot lines abutting a residential use. Screening shall be provided in accordance with §502(1) of this Chapter.

O. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.

1. All accesses must secure the appropriate highway occupancy permit (State, township or borough).
2. Applicant will provide line of sight analysis showing the potential visual and aesthetic impacts.
3. The driveway must be designed and improved to the standards expressly described in §508(J) of this Ordinance.
14. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

§505. Accessory Use Regulations.

1. No accessory use within the C-N and L-I zoning districts shall be located nearer than thirty-five (35') feet to any street line or within the front yard of any property. No separate accessory building or structure shall be nearer than ten (10') feet to another building or structure.

§506. Nonconforming Use Regulations.

1. Continuation. Except as otherwise provided in this §506, any use, building, or structure existing at the time of enactment of this Chapter may be continued, although it is not in conformity with the regulations specified by this Chapter.

2. Discontinuance. If a nonconforming use of land or a building ceases for a continuous period of one (1) year or more, such cessation shall constitute *prima facie* evidence that the owner of the premises intended to discontinue such use. The vacating of buildings or structures, non-use of land, or non-operative status of such land, building, or structures shall be evidence of such intended discontinued use. In the event of any discontinuance of any nonconforming use of land or of a building, any subsequent use of such building or land shall be in conformity with the provisions of the applicable zoning district, and all other provisions of this Chapter.

3. Use of Land. Any lawful nonconforming use of land exclusive of buildings and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Chapter, but such extension shall conform to area and lot regulations and to the design standards of this Chapter. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Chapter.

4. Expansion. Any lawful nonconforming building or nonconforming use of a building may be expanded on a lot occupied by such building. Such expansion shall be limited to fifty (50%) percent of the square footage area of the building or use as of the date of adoption of this Chapter. The expansion shall be limited to the setback, and coverage regulations for the district in which it is located, and all other applicable provisions of this Part.

5. Reconstruction. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

A. The reconstructed building or structure shall not exceed the height, area, or (volume of) the damaged or destroyed building or structure.

B. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

6. Change. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character, and for such purpose, a building may be extended on the same lot in accordance with §505.4. Whenever the nonconforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.

7. Nonconforming Lots of Record.

A. In any district in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot of record at the effective date of this Chapter notwithstanding limitations imposed by other provisions of this Chapter. Such lot must be in single and separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet all the lot and area requirements of the district.

B. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage in single and separate ownership are of record at the time of passage of this Chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an-undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used sold in a manner which diminishes compliance with lot width and area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements-stated in this Chapter. This §505 shall be interpreted in conjunction with §508.4 of the Act

8. Registration. The Borough may identify and register nonconforming uses and structures in existence on the effective date of this Chapter. Such registration shall be a matter of public record and shall

constitute notice to any transferee acquiring any right to use or own such property. Failure of the Borough to identify or register a nonconforming use shall never be deemed to render a property or use as conforming. In any hearing before the Zoning Hearing Board at which the Borough or any other person challenges the property owners or applicants claim to a legal nonconforming use or structure, the burden of proving such nonconformity shall be with the owner or applicant making such claim.

§507. Off-Street Loading Regulations.

1. Standards.

A. Off-street loading and unloading space, or spaces, with proper and safe access from street or alley shall be provided on each lot, either within a structure or in the open, to serve the uses within the district adequately.

B. Loading and unloading spaces shall be at least twelve (12') feet wide, forty-five (45') feet long, and shall have at least a fourteen (14') foot vertical clearance.

C. Loading and unloading spaces shall have impervious surfaces to provide safe and convenient access during all seasons.

D. Loading facilities shall not be constructed between the building setback line and a street line.

E. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

F. The applicant must demonstrate to the Zoning Officer that adequate off-street loading has been provided.

§508. Off-Street Parking Regulations.

1. Standards.

A. Off-street parking shall be required in accordance with the provisions of this §507 as a condition precedent to the occupancy of any building or use so as to alleviate traffic congestion on streets. These facilities shall be provided whenever (1) a building is constructed or a new use is established; (2) the use of an existing building is changed to a use requiring more parking facilities; or (3) an existing building or use is altered or enlarged so as to increase the amount of parking space required.

B. All portions of required parking, including driveways, shall be graded, surfaced with a durable impervious surface of bituminous concrete, crushed stone or other suitable material or pervious paving, any of which must be approved by the Zoning Officer, and drained to the extent necessary to prevent dust, soil erosion or excessive water flow across streets or adjoining properties. Landscaped areas and grass pavers or unit pavers that are approved by the Zoning Officer in overflow parking areas, crosswalk areas, or other areas are excluded from this requirement.

C. Parking lots shall be graded to a minimum slope of one (1%) percent to provide for drainage and a maximum of eight (8%). Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with a plan to be approved per the Borough Storm Water Management Ordinance

D. The minimum dimensions of parking facilities to be provided shall be as follows:

| Angle of Parking | Parking Stall | | Aisle Width | |
|------------------|---------------|---------|-------------|---------|
| | Width | Depth* | One-Way | Two-Way |
| 90 degrees | 9 feet | 18 feet | 24 feet | 24 feet |
| 60 degrees | 9 feet | 20 feet | 18 feet | 20 feet |
| 45 degrees | 9 feet | 18 feet | 15 feet | 20 feet |
| 30 degrees | 9 feet | 18 feet | 12 feet | 20 feet |
| Parallel | 8 feet | 24 feet | 12 feet | 20 feet |

* Depth of stall is the perpendicular measurement from curb or edge of parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

(1) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

(2) Parking areas shall be designed so that each motor vehicle may proceed to and from the respective parking space without requiring the moving of any other vehicle.

E. Appropriate wheel stops or curbing shall be provided as required by the Borough in order to clearly define parking spaces or limits of impervious surface areas and to prevent vehicles from projecting into required yards or rights-of-way.

F. All parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and driveways.

G. In the event parking lots are not marked as required by this §507, the Borough may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law.

H. All parking spaces shall be on the same lot as the principal building except when permitted elsewhere by the Zoning Hearing Board.

I. The Zoning Hearing Board may authorize a reduction in the number and size of off-street parking spaces in cases when the applicant can justify the reduction and still provide adequate facilities.

J. All access driveways shall be located, designed and constructed as approved by the Borough. Not more than two (2) driveways shall be projected into any single property or business establishment unless the frontage exceeds three hundred (300') feet. No access driveway shall be located within five (5') feet of any property line.

2. Residential Requirements. Dwelling units in residential and nonresidential districts - two (2) off-street parking spaces per unit.

3. Commercial and Industrial Requirements.

A. One (1) such off-street parking space shall be required per employee in all commercial and industrial districts. In computing the number of employees, only full-time employees working day shifts shall be counted. Additional space shall be required as specified by the appropriate formula. In applying such, the total number of spaces required will be the sum of the required spaces for each use and the following definitions shall be utilized:

(1) Sales Area. Space on the first floor on which goods displayed or business transacted and such space or other floors on which one (1) or more sales persons are regularly stationed.

(2) Floor Area. The sum of the area of the several floors of a building or buildings measured from the face of the exterior walls or from centerlines of walls separating two (2) buildings.

B. All commercial spaces shall be provided within six hundred feet (600') of the front access of the business establishment along a route customarily used by pedestrian traffic. In areas where several uses share parking areas, the total of all available spaces shall be the sum required to serve all uses of the establishments.

C. The number of additional required spaces shall be determined by the application of the following formula to the contemplated use or as determined by the Zoning Hearing Board.

| Use | At Least one (1) Additional Parking Space for Each: |
|---|---|
| Industry | Two hundred (200) square feet of company office gross floor area or four (4) spaces minimum |
| Restaurant and Tavern | Two (2) seats |
| Personal Service Establishment | One hundred (100) square feet of usable floor area |
| Theater, Funeral Home and Church | Three (3) seats |
| Bowling Alley | One-fifth (1/5) alley |
| Motel and Hotel | One (1) guest room |
| Hospital and Convalescent Home | Seven hundred fifty (750) square feet of floor area |
| Wholesale Sales and Storage | One thousand (1,000) square feet of floor area |
| Gasoline Service Station | One-fourth (1/4) pump |
| Laundromat | One (1) machine |
| Elementary School | Twenty (20) seats |
| All other schools and educational facilities | Ten (10) seats |
| Food Store and Pharmacy | One hundred (100) square feet of sales area |
| Department and Variety Store | Two hundred (200) square feet of sales area |
| Gift, Apparel, Hardware and other Housewares | Three hundred (300) square feet of sales area |
| Office, Clinic, Financial Institution | Two hundred (200) square feet of floor area |
| All other with lot coverage in excess of ten (10) percent | Five hundred (500) square feet of floor area |

D. Bicycle parking facilities for non-residential uses shall be in accordance with the following regulations with the number of spaces to be at least equal to twenty percent (20%) of the number of motor vehicle spaces or a number to be determined by the Zoning Officer:

(1) Each bicycle space shall be equipped with a device to which the bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby urban design features.

(2) Bicycle parking spaces shall be convenient to the structure for which they are provided. They shall be visible from at least one (1) entrance to the structure and shall be provided with lighting.

E. Horse and buggy parking facilities for non-residential uses shall be in accordance with the following regulations with the number of spaces or the size of the area to be determined by the Zoning Officer.

(1) Each horse and buggy parking area shall be equipped with a device to which the horse can be hitched to. A hitching rail is acceptable.

(2) Adequate signage shall be provided to control and direct horse and buggy circulation.

(3) Horse and buggy parking areas shall be located as to minimize conflicts with motorized vehicles.

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

G. For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the developer and approved by the Zoning Officer or Zoning Hearing Board or Borough Council (as applicable) if a hearing is required for such use. The study shall include the following:

- (1) Type and use and estimated number of total trips generated during peak conditions (inbound and outbound).
- (2) Estimated parking duration per vehicle trip (turnover rate).
- (3) Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required.
- (4) Estimated number of employees.
- (5) Square feet of building devoted to the use.

4. Recreational Vehicle Boat or Utility Trailer Parking and Storage.

A. One recreational vehicle, boat or utility trailer may be stored or parked on a lot in the rear or side yard of the principal building or in a garage or in a carport or on a driveway as long as sightlines and pedestrian walkways are not obstructed. No recreational vehicle, boat or utility trailer shall be stored or parked in the front yard area of the principal building, or on a street or parking lot used by the general public.

B. For the purpose of this Section, storage and parking shall be deemed to be any continuous seventy-two (72) hour period.

C. A grace period of forty-eight (48) hours to prepare the recreational vehicle, boat or utility trailer for travel or vacation uses shall be permitted.

D. No recreational vehicle in storage shall be used for sleeping, recreational or living purposes.

§509. Sign Regulations

1. Purpose

The purpose of this Chapter is to regulate existing and proposed outdoor advertising and outdoor signs of all types. It is intended to improve safety, protect property values, create a more attractive and harmonious economic and business climate, and enhance and protect the physical appearance of the community. Special attention is focused on reducing the potential for visual obstruction and hazards at intersections and driveways. It is further intended hereby to reduce sign or advertising distractions and obstructions in order to promote and protect the public health, welfare, and safety of the community.

2. Authorization

Signs may be erected, placed, established, created, altered or maintained only in conformance with the standards, procedures, exemptions and other requirements of this Chapter and any and all other ordinances and regulations relating to signs and similar devices. Zoning permits will be required for the erection, placement, establishment, creation, alteration or maintenance of all signs unless otherwise indicated in this Article.

3. General Regulations

A. No sign shall be erected, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer, unless said sign is specifically exempted from permitting requirements as indicated elsewhere in this Chapter.

B. Permit applications shall be on forms prescribed by the Borough. At a minimum, all permit applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, specific content, colors, support systems, and location on land or buildings, with all relevant measurements.

C. All signs shall reflect the general character of the neighborhood.

D. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

E. In addition to the other requirements of this Article, every sign must be constructed of durable materials, kept in good repair, and remain in compliance with other applicable State and local codes and ordinances.

F. In addition to any other signs permitted by this Section, each commercial or industrial property may display on their property on premise on an approved standard flagpole one (1) corporate identity flag not to exceed thirty-five (35) square feet with a company or corporate identification logo

G. Prohibited types of signs.

(1) Any sign advertising or identifying a business or organization that is either defunct or no longer located on the property is not permitted. Exceptions are granted to Landmark or Historic Signs that may be preserved and maintained even if they no longer pertain to the present use of the premises.

(2) Temporary signs unless authorized elsewhere in this Article.

(3) Street banners, except in the case of civic or charitable nonprofit organizations.

(4) Any sign, except for traffic, regulatory or information signs, that use the words, "stop", "caution", or "danger", or incorporate red, amber, or green lights resembling traffic signals, or resemble, "stop" or "yield" signs in shape or color.

(5) Signs that include statements, words or pictures that are considered to be vulgar, obscene or pornographic.

(6) Animated, sequential, intermittent, flashing, rotating or oscillating signs, with the exception of public service information signs to promote items of general interest in the community, such as time, temperature, date and atmospheric conditions, and provided that they are proposed in commercial and industrial districts only.

(7) Streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials displayed outside a building.

(8) Festoon lighting or beacon lights.

(9) Signs that emit smoke, visible vapors, particles, sound or odor.

(10) Signs placed on an automobile, truck or other vehicle if that vehicle is being used primarily for displaying such sign. The prohibition does not apply if said vehicle is used in the normal day-to-day operations of the business. In addition, no vehicle shall be placed in a location that would be for the purpose of attracting attention to a business or product on a commercial or industrial property.

(11) Inflatable signs and signs utilizing open flames or other animation designed to attract attention.

(12) Signs illuminated with red, green or yellow lights or neon tubing located within three hundred (300) feet of any traffic light.

H. Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Article, shall be forfeited to the public and subject to confiscation, demolition, sale, transfer, use by the Borough, or other disposition without any compensation due the sign owner. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

2. Placement Standards

A. No sign shall be affixed to a fence, utility pole, structure, tree, shrub, rock or natural object.

B. No sign shall be located within a street right-of-way, with the exception of official traffic signs and other official federal, state, county, or borough government signs.

C. Signs shall not be mounted on roofs or extend above the roof line, unless mounted on an extended wall above the roof line, in which case the sign shall not extend above the top of said wall.

D. No sign shall be placed in such a position at any location that it will cause danger on a street by obscuring view.

E. No sign shall be located within the clear sight triangle of any street intersection.

3. Safety Standards

A. No sign may be erected that is:

(1) Structurally unsafe;

(2) Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;

(3) Obstructs free entrance or exit from a required door, window, or fire escape.

(4) Obstructs light or air, or interferes with the proper functioning of a building or structure; or

(5) Capable of causing electrical shock.

B. If the Zoning Officer finds that any sign is unsafe, insecure, or is a menace to the public or had been constructed, erected or is being maintained in violation of the provisions of this Chapter, written notice to the owner of or person erecting the sign shall be given in accordance with section 601 of this Chapter.

4. Exceptions

A. For purposes of this Chapter, the term “sign” shall not include:

(1) Official traffic signs, and signs erected or posted and maintained for public safety and welfare or pursuant to any federal, state, county or borough governmental function, law, bylaw, or other regulation;

(2) Signs displaying the name and address of the occupant or historic significance of the dwelling, provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. Signs shall not be erected closer than one (1) foot from the sidewalk or four (4) feet from the curb line and shall not obstruct vehicle sight lines.

(3) A bulletin board or similar sign not exceeding twenty (20) square feet in display area, in connection with any church, museum, library, school, or similar public structure, provided that the top of such sign shall not be more than eight (8) feet above ground level, and provided that it complies with all other provisions of this Chapter.

(4) Directional signs solely indicating ingress and egress placed at driveway locations that contain no advertising material, and whose display area does not exceed three

(3) square feet or extend higher than four (4) feet above ground level. Such signs shall comply with all other provisions of this Chapter.

(5) Signs relating to trespassing and hunting, not exceeding two (2) square feet in area.

(6) Holiday decorations displayed for recognized holidays except as they may interfere with traffic safety or in any other way become a public safety hazard.

5. Measurement of Sign Area and Height

A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.

B. Where a sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape that encompasses all of the letters and symbols.

C. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

D. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, and aerial photographs, photographs of the site or affidavits of people who are personally familiar with the site. No person shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

E. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district, unless there is a height limitation identified for a specific sign cited elsewhere in this Article.

6. Illumination Standards

A. All electrically illuminated signs shall be designed and constructed to the standards of the National Board of Fire Underwriters and shall comply with the requirements of the applicable building code.

B. Animated, sequential, intermittent, flashing, rotating or oscillating signs are prohibited.

C. Messages or announcements displayed on an LED message board sign or a sign of similar technology shall be changed no more frequently than once every ten (10) seconds. Elapsed time between such changes shall be no longer than one (1) second.

D. The light from any illuminated sign shall not adversely affect their vision of operators of vehicles moving along the public or private streets or parking areas, any residential district, or any part of a building or property used for residential purposes.

E. Signs shall be illuminated only when steady, stationary, shielded light sources when directed solely onto the sign without causing glare.

F. Illuminated signs shall not be permitted to shine onto residential properties or public rights-of-way.

G. Business signs in other than commercial and industrial districts shall not be illuminated when the business is closed, unless the illumination is for security purposes or the sign notifies the public that the business is closed.

H. Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic or architectural character and exterior color.

I. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights or other means with exception of customary holiday decorations that may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.

7. General Standards for Specific Sign Types

A. Home Occupation Sign

(1) Definition: One sign indicating that a home occupation is being conducted on the premises.

(2) Such sign may be attached to the building projecting not more than six (6) inches from a wall or may be on a post not to exceed more than four (4) feet in height and setback at least one (1) foot from the sidewalk or four (4) feet from the curb line and shall not obstruct vehicle sight lines.

(3) Such sign shall not exceed two (2) square feet in area and shall not be illuminated.

(4) Such signs require a zoning permit.

B. Awning

(1) Definition: A sign painted on or attached to the cover of a moveable metallic hinged, roll or folding frame.

(2) Such sign shall be limited to establishment name, logo, and street number.

(3) Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.

(4) A minimum of eight (8) feet above sidewalk level must be allowed for pedestrian clearance.

(5) Such signs require a Zoning Permit.

C. Billboard

(1) Definition: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

(2) . Billboards may be erected and maintained in the Limited Industrial District subject to approval of a special exception.

(3) Billboards shall be spaced at intervals of not less than five hundred (500) feet along the same side of any street or highway. No such structure shall contain more than two (2) back-to-back advertising sign faces.

(4) Billboards shall not exceed a total of two hundred (200) square feet in surface area per face.

(5) No billboard shall exceed twelve (12) feet in vertical measurement, nor exceed twenty (20) feet in horizontal measurement.

(6) No billboard shall be located closer than thirty-five (35) feet from the adjacent street right of way.

(7) No billboard shall be located closer than fifty (50) feet from the side and rear property lines of the parcel upon which it is located.

(8) No billboard sign shall be permitted to be erected within fifty (50) feet of an adjoining Residential District if visible from and designed to face into such a District.

(9) No billboard shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view, but in no event shall a billboard be located within two hundred and fifty (250) feet of any street intersection.

(10) No more than one (1) billboard structure shall be permitted at any location, and no more than two (2) advertising surfaces shall be permitted at that location. The surfaces shall be back-to-back or at an angle less than or equal to forty-five (45) degrees.

(11) Nothing contained herein shall be construed to abrogate or affect the provisions of any lawful state or federal statute or regulation controlling outdoor advertising which are more restrictive than the provisions of this Ordinance.

(12) Billboards utilizing LED or equivalent/similar technology shall be changed no more frequently than once every ten (10) seconds. Elapsed time between such changes shall be no longer than one (1) second.

(13) The light from any illuminated billboard shall not adversely affect the vision of operators of vehicles moving along the public or private streets or parking areas, any residential district, or any part of a building or property used for residential purposes.

D. Temporary Construction and Home Improvement Signs

(1) Definition: An on-premise sign identifying the contractor(s) architect, landscape architect, or engineer's name, address, other pertinent information.

(2) Such signs shall not exceed twelve (12) square feet in area and shall be setback at least ten (10) feet from the legal right-of-way.

(3) Such a sign may be maintained on the building or property for the interim of construction, and not more than thirty (30) days following the completion of said construction.

(4) If any such sign remains on site beyond the allowable time frame, the Borough shall have the right to impound and dispose of such sign without paying compensation or damages to the sign owner, and to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.

(5) Such a sign shall not require a permit.

E. Freestanding

(1) Definition: A self-supporting, permanent sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

(2) Freestanding sign areas

a) The maximum permitted area of freestanding pole signs in all districts shall conform to the following requirements:

- 1) The R-1 Low Density Residential and R-2 High Density Residential Districts – two (2) square feet.
 - 2) The Residential/Commercial and Commercial/Neighborhood District – ten (10) square feet.
 - 3) The Limited Industrial District – sixteen (16) square feet.
- b) The maximum permitted area of all other free standing signs in all other districts shall conform to the following requirements
- 1) The R-1 Low Density Residential and R-2 High Density Residential Districts – two (2) square feet.
 - 2) The Residential/Commercial Mixed Use and Commercial Neighborhood Districts – sixteen (16) square feet.
 - 3) The Limited Industrial District – twenty four (24) square feet.
- (3) Freestanding sign heights
- a) The maximum permitted height of freestanding pole signs in all other districts shall conform to the following requirements:
- 1) The R-1 Low Density Residential and R-2 High Density Residential Districts – four (4) feet.
 - 2) The Residential/Commercial Mixed Use and Commercial Neighborhood Districts – ten (10) feet.
 - 3) The Limited Industrial District – sixteen (16) feet.
- b) The maximum permitted height of all other free standing signs in all other districts shall conform to the following requirements:
- 1) The R-1 Low Density Residential and R-2 High Density Residential Districts – four (4) feet.
 - 2) The Residential/Commercial Mixed Use and Commercial Neighborhood Districts – sixteen (16) feet.
 - 3) The Limited Industrial District – twenty four (24) square feet.
- (4) Freestanding signs shall be setback ten (10) feet from all property lines.
- (5) Freestanding signs over six (6) feet in height may have no more than two (2) sides; those less than six (6) feet in height may have up to four (4) sides.
- (6) No more than one (1) freestanding sign per lot shall be permitted.
- (7) Such signs require a Zoning Permit.
- F. LED Message Board Signs (or signs of similar technologies).
- (1) Such signs shall be permitted only to display time and temperature.

- (2) Such signs require a Zoning Permit.

G. Multiple Signs

- (1) Definition: A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building complex.

- (2) The display board shall be of an integrated and uniform design.

- (3) Multiple signs are permitted only in the Commercial /Neighborhood, Limited Industrial and Residential/Commercial Mixed Use Districts.

- (4) Multiple sign areas

- a) The maximum permitted area for multiple signs in all other zoning districts shall conform to the following requirements:

- 1) The Residential/Commercial Mixed Use and Commercial/ Neighborhood Districts – sixteen (16) square feet.
- 2) The Limited Industrial District – twenty four (24) square feet.
- 3) Special Exception - Signs larger than sixteen (16) square feet in the Residential/Commercial Mixed Use and Commercial /Neighborhood Districts or twenty four (24) square feet in the Limited Industrial District, but no larger than thirty six (36) square feet in any of the above districts pursuant to the standards of §503.of this ordinance.

- b) The maximum permitted height for multiple signs in all other zoning districts shall conform to the following requirements:

- 1) The Residential/Commercial Mixed Use and Commercial /Neighborhood Districts – sixteen (16) feet.
- 2) The Limited Industrial District – twenty four (24) feet.
- 3) Multiple signs shall be setback ten (10) feet from all property lines.
- 4) No more than one (1) multiple sign shall be permitted per building/building complex, subject to the requirements for wall signs provided later within this Section.
- 5) Such signs require a zoning permit.

H. Off-Premise Signs

- (1) Definition: Signs which direct patrons, members, or audiences to temporary exhibits, shows, or events.

- (2) Off premise signs shall not exceed four (4) square feet in area.

- (3) Off premise signs shall not exceed four (4) feet in height.

- (4) Off premise signs shall be setback three (3) feet from all property lines.

(5) Signs shall be removed within seventy-two (72) hours after the date of the exhibit, show, event, or election. If any such signs remain after the time allowable, the Borough shall have the right to impound and dispose of such signs, and to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(6) No sign shall be posted earlier than forty-five (45) days before the occurrence of the event, show, exhibition or election.

(7) Off-premise signs shall require a zoning permit.

I. Political Signs

(1) Definition: A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

(2) Such signs shall be stationary, unlighted and temporary in nature.

(3) Such signs shall be displayed no earlier than twenty (20) days prior to the designated election day, and shall be removed within five (5) days after elections.

(4) Such signs shall not exceed six (6) square feet in area.

(5) Political signs shall not exceed FOUR (4) feet in height

(6) Political signs shall be setback ten (10) feet from all property lines.

(7) A maximum of two (2) signs per lot shall be permitted.

(8) Such signs shall not require a permit.

(9) Political signs which remain beyond the allowable time frame may be impounded by the Borough. The Borough shall have the right to impound and dispose of such signs, and to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(10) Political signs must adhere to the placement standards of this section

J. Yard Sale Signs

(1) Definition: A sign designed to advertise a yard sale.

(2) Such signs shall be stationary, unlighted and temporary in nature.

(3) Such signs shall be displayed no earlier than twenty (20) days prior to the designated sale, and shall be removed within five (5) days after the sale.

(4) Such signs shall not exceed six (6) square feet in area.

(5) Such signs shall not exceed four (4) feet in height

(6) Yard sale signs shall be setback at least one (1) foot from the sidewalk. Where there is no sidewalk, yard sale signs shall be set back at least four (4) feet from the curb line.

(7) A maximum of two (2) signs per lot shall be permitted.

(8) Such signs shall not require a permit.

(9) Yard sale signs which remain beyond the allowable time frame may be impounded and disposed of by the Borough without compensation or damages due or payable to the owner of such signs. The Borough shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(10) Yard sale signs must adhere to the placement standards of this section.

K. Portable Signs

(1) Definition: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; moveable sandwich sign boards and umbrellas used for advertising

(2) Portable signs shall not exceed ten (10) square feet in area.

(3) Portable signs shall not exceed six (6) feet in height.

(4) Portable signs shall be setback ten (10) feet from all property lines.

(5) Portable signs shall be permitted as a temporary sign with a display period not to exceed seven (7) continuous days and an annual cumulative total of fifty-six (56) days.

(6) Moveable sandwich sign boards are permitted only in the Commercial Neighborhood, Limited Industrial and Residential/Commercial Mixed Use Districts. In these districts, moveable signs shall be made only of wood or plastic and standing on legs not over four (4) feet in total height

(7) Moveable sandwich sign boards shall not be located within a street or obstruct public sidewalk areas.

(8) Moveable sandwich sign boards shall be permitted only during hours of operation for said business.

(9) Portable signs and moveable sandwich sign boards require a zoning permit.

L. Projecting Signs

(1) Definition: A wall-mounted sign perpendicular to the building surface.

(2) Projecting signs shall not exceed ten (10) square feet in area.

(3) Projecting signs shall not exceed eight (8) feet in height

(4) Projecting signs shall be setback ten (10) feet from all property lines.

(5) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in an easily recognizable geometric shape and computing its area.

(6) The supporting framework shall be in proportion to the size of such sign.

(7) No sign shall project over a street or alley.

(8) Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a sidewalk.

(9) Projecting signs are permitted only in the Residential/Commercial, Commercial Neighborhood and Limited Industrial Zoning Districts.

(10) Such signs require a Zoning Permit.

M. Sale/Rent/Lease Signs

(1) Definition: An on-premise sign advertising the property being sold, auctioned, or rented/leased.

(2) Such signs shall advertise only the property on which the sign is located.

(3) Such signs shall not exceed six (6) square feet; however, for the sites exceeding one (1) acre, such signs shall be permitted up to sixteen (16) square feet in total sign area. Such signs shall not exceed four (4) feet in height. No off-premise directional signs shall be permitted, except as regulated by open house signs described later in this section.

(4) No more than two (2) signs may be maintained on any property being sold or rented/leased.

(5) All signs shall be removed by the owner/agent within thirty (30) days of sale, or rent/lease.

(6) Such a sign shall not require a permit.

(7) Such signs must adhere to all placement standards

(8) Open House signs

a) One (1) on-site open house sign shall be permitted associated with a scheduled open house. Such sign shall be limited to six (6) square feet in total sign area, and shall be erected no more than three (3) days before and removed no more than twenty-four (24) hours following ~~from~~ a scheduled open house.

b) Up to four (4) off-site open house signs shall be permitted associated with a scheduled open house.

c) Off-site open house signs shall be limited to six (6) square feet each of total sign area, and shall be erected no more than four (4) days before, and removed within two (2) days after scheduled open house.

d) No off-site open house sign shall be located within any street right-of-way.

e) Should any of the above described open house signs remain beyond the allowable time frame, the Borough shall have the right to impound and dispose of such signs without compensation or damages due the sign owner, and to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

f) The Borough in no way implies or provides consent for the placement of open house signs on any personal property.

g) Such signs shall adhere to the placement standards of this section.

h) Such signs will not require a Zoning Permit

N. Subdivision Signs

(1) Definition: A sign devoted to the display of the name and logo of a particular residential development.

(2) Such signs shall be limited one (1) per street access to the development, provided that no such signs advertising the same development shall be located within five hundred (500) of one another.

(3) No such sign shall contain more than twenty (20) feet of display area, nor extend above (5) feet in height.

(4) All signs shall comply with the structure, building, or other applicable setback requirements imposed within the underlying zoning district.

(5) Such signs require a Zoning Permit.

O. Temporary Signs and Banners

(11) Definition: A sign for the purpose of promoting a specific special event and located upon the property where the special event is to occur.

(12) Such sign or banner shall not exceed sixteen (16) square feet in size.

(13) No more than one (1) such sign shall be permitted per property.

(14) Such sign or banner shall be displayed nor more than twenty-one (21) days prior to the event and be removed no later than three (3) days following the event.

(15) Such signs do not require a Zoning Permit.

P. Wall Signs

(1) Definition: A sign that is attached parallel to or painted on the exterior surface of a building or structure.

(2) Such sign shall not project more than fifteen (15) inches from the building surface.

(3) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(4) Such signs shall have an aggregate area not exceeding one and one-half (1 ½) square feet for each linear foot of building face parallel to front building setback line, or ten percent (10%) of the wall area to which it is attached or painted, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

(5) Where two (2) or more wall signs are affixed to or painted on one wall, the gross display area shall be the sum total area of all signs.

(6) The size of wall signs may be increased in area (over allowable size) by twenty-five percent (25%) for every one hundred (100) feet of additional building setback. This increase may be prorated in accordance to the actual setback distance.

(7) Wall signs are permitted only in the Residential/Commercial, Commercial/ Neighborhood and Limited Industrial Zoning Districts.

(8) Such signs require a Zoning Permit.

Q. Window Signs

(1) Definition: Any sign that is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.

(2) Window signs shall not exceed more than thirty percent (30%) of the window area in which they are displayed.

(3) Window signs are permitted only in the Residential/Commercial, Commercial/ Neighborhood and Limited Industrial Zoning Districts.

- (4) Such signs do not require a Zoning Permit.

8. Special District Regulations

In addition to the above regulations by sign type, the following special provisions for certain districts shall apply:

A. Commercial/ Neighborhood and Residential/Commercial Mixed Use Districts. The goal in these districts is to ensure visual compatibility with existing scale and character of the surrounding area. The signage must also be readable by pedestrians and people in slow-moving vehicles.

- (1) Number: There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies per building. (e.g., wall, awning, and window). Each ground floor occupant may display two (2) signs. Each occupant in an upper floor may display one (1) sign.

- (2) Location: Signs should be concentrated near the pedestrian level, and not obscure important architecture features, such as transoms, windows, moldings and cornices. Wall signs shall be placed as a band immediately above the storefront and shall be no more than two (2) feet in height. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion and should be encouraged to use the same signing format.

- (3) Colors: Colors should be chosen to complement the façade color of the structure. Dark background with light-colored lettering is strongly encouraged. “Day-glow” colors are prohibited.

- (4) Size: Not more than one and one-half (1 ½) square feet of total signage area will be permitted per linear foot of storefront.

- (5) Preferred Sign Types: Wall, window, projecting, awning, moveable and neon signs are preferred in this district.

B. Limited Industrial District. The goal of this district is to provide legible signage for commercial and industrial facilities, while moderating visual competition.

- (1) Business and advertising signs shall be permitted in commercial and industrial districts provided that the total square feet of signage on a lot shall not exceed three (3) times the length of the lot frontage.

- (2) Colors: The number of colors should be limited to five (5). Since these signs must be legible from a distance, the degree of contrast between the background and letter color is important. Dark background with light-colored lettering is strongly encouraged. “Day-glow” colors are prohibited.

- (3) Preferred Sign Types: Wall and freestanding signs are preferred in such districts.

C. R-1 and R-2 Districts. The most important goal of these districts is to maintain their character. Special care should be taken in style, location, design and use of materials for signs.

- (1) Business Signs for Permitted Uses:

- a) Number: Each business may display not more than two (2) unlighted signs. Each structure or complex may only display one (1) free-standing sign.

- b) Size: Each business sign shall be no more than sixteen (16) square feet in area.

- c) Colors: The number of colors used in sign should be limited to five (5) unless used in an illustration. To ensure the legibility of the sign, a high degree of contrast between the background and letters is preferable. "Day-glow" colors are prohibited. The use of dark backgrounds with light-colored lettering is strongly encouraged.
- d) Preferred Sign Types: Freestanding, wall and awning are the preferred sign types.

(2) Farm Product Signs.

- a) Signs advertising the sale of farm products shall not exceed more than two (2) in number, each having a total area of not more than sixteen (16) square feet.

9. Non-Conforming Sign Standards

A. Any sign lawfully existing at the time of passage of this Ordinance that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with the Ordinance.

B. Notwithstanding any of the provisions of this Ordinance to the contrary, no expansion of a non-conforming sign shall be permitted.

C. No non-conforming sign may be reestablished after it has been discontinued for ninety (90) days.

D. A non-conforming sign that is partially or entirely damaged or destroyed may be rebuilt, provided that the reconstructed sign shall not be larger than the prior sign and that the reconstruction shall begin within ninety (90) days from the time of the damage to the sign.

E. A sign may be erected to advertise a non-conforming building or use, provided a variance is granted by the Zoning Hearing Board, and provided the application conforms to the applicable conditions and requirements for a variance pursuant to this Chapter, and any other conditions or requirements imposed by the Zoning Hearing Board and the requirements listed below.

(1) The number of signs and the size of the sign shall not be greater than the permitted number of signs and the area of signs in the district in which the non-conforming building or use is located or the permitted number of signs and area of signs in the district in which such building or use is permitted use, whichever is the more restrictive.

(2) The sign must be erected on the premises upon which the non-conforming building or use is erected or upon a private right-of-way leading to the premises, and shall not be used to advertise a product not sold on the premises.

(3) The sign shall not be located within the side yard setback required for the district in which the non-conforming building or use is located, but the same may be erected within the limits of a private right-of-way servicing the subject premises.

10. Abandoned Signs

A. A Sign shall be considered abandoned:

(1) When the sign is associated with an abandoned use.

(2) When the sign remains after the termination date of the business. A business is considered to have ceased operations if it is closed to the public for at least ninety (90) consecutive days.

(3) Seasonal businesses and businesses that are temporarily closed due to unusual circumstances are exempt from this determination.

B. Abandonment shall be determined by the Zoning Officer after a public hearing. Upon determination that the sign is abandoned, the right to maintain use of such sign shall terminate immediately and the Zoning Officer shall issue an order that the sign shall be removed within thirty (30) days; and upon the sign owners failure to timely obey the order, the Borough may confiscate, impound, remove, dispose of, sell, transfer the sign, or convert the sign to the Borough's own use, without any compensation or damages due or payable to the sign owner.

§510 Fences.

1. All fences must be erected within the property lines, and no fence shall be erected so as to encroach upon a public right-of-way.

2. Fences may be erected, altered, and maintained within the yards in a residential district, provided that any such fence in the front yard shall not exceed three and one-half (3 ½') feet in height, and any fence in the side or rear yard may not exceed six (6') feet in height. Fences of a greater height may be permitted by special exception. Any fence extending into the front yard of any residential property shall be only constructed of live plantings, a split rail fence or other decorative fences.

3. Fences may be erected, altered, and maintained within the yards of a manufacturing district, not to exceed ten (10') feet in height, and in a commercial district, not to exceed eight (8') feet in height, as may be necessary for business or industrial use to provide adequate protection, shielding, or screening of open storage or equipment areas. Fences of greater height in a manufacturing district or a commercial district may be permitted by special exception.

4. An open wire fence not exceeding fifteen (15') feet in height above ground level may be erected within a public park, public playground, or public school or private school or educational facility.

5. No fence shall be erected on a property that will obstruct the vehicle clear sight line, Subject to §502.2.

6. The following fences and fencing materials are specifically prohibited in any district: sharp pointed fences, electric fences, poultry netting, or snow fences.

7. Barbed wire will be permitted only at the top of a fence or barrier in commercial and manufacturing districts, or publicly owned properties, at a minimum height of six (6') feet.

§511. Animals.

1. The raising of livestock and poultry shall be permitted only on a lot of land in excess of five (5) acres.

2. Any building or housing providing shelter for such livestock or poultry shall be of permanent construction, and shall be located not less than one hundred feet (100') from any street or property line.

3. Livestock shall include all animals normally associated with farm operations; including, by way of illustration, horses, cows, steers; sheep, goats, swine, chickens and turkeys. Also included shall be the raising of any animals, including household pets, for the purpose of retail or wholesale sales. The sale of domesticated pets such as dogs and cats, as a result of the birth of a litter to a pet, shall not be deemed to be retail or wholesale sale, and shall not be subject to the provisions of this Section.

4. Fencing adequate to prevent such livestock or poultry from leaving the premises shall be provided. Fencing height limitations as set forth in §510.2, and restrictions on material fencing as set forth in §510.6, shall not apply to fences being erected to contain livestock or poultry.

5. Buildings providing shelter for such livestock and poultry shall be kept reasonably clean, and reasonable steps shall be taken to prevent animal odors, or animal waste odors, from being detected on adjoining lots.

Part 6
Administration

§601. Administration and Government.

1. Administration.

A. Appointment and Powers of Zoning Officer.

(1) For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by motion of Borough Council.

(2) The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

(3) The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this Chapter.

(4) The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(5) The duties of the Zoning Officer shall be:

(a) To receive, examine, and process all applications for permits.

(b) To issue permits for the construction, alteration, repair, extension, replacement and uses that are in accordance with this Chapter and as may be subsequently amended.

(c) To record and file all applications for permits and accompanying plans and documents and keep them for public record;

(d) To inspect nonconforming uses, buildings, and lots and to keep a filed record or such nonconforming uses and buildings as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations and to issue certificates of occupancy for them;

(e) Upon the request of Borough Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching their decisions; and

(f) To be responsible for the keeping up to date of this Chapter and the Zoning Map filed with the Borough Secretary, and to any amendments thereto.

B. Inspections of Home Occupations and No Impact Home Based Business

(1) There may be (1) one inspection each year by the Zoning Officer, or a person designated by the Zoning Officer, of home occupations and no impact home based business issued a permit. In addition, the Zoning Officer, or designee, shall have the right to enter and inspect the premises covered by said permit for compliance purposes following notification of the new property owner forty-eight (48) hours in advance of the inspection. Any cost associated with said inspection shall be the responsibility of the owner/operator of the occupation or business based upon a fee schedule to be determined by Borough Council. In the case of violations of this Chapter, the property may be reinspected as often as the Zoning Officer, or his designee deems reasonably necessary until the violation is

fully cured and for an additional sixty (60) days after fully curing the violation in order to verify continued compliance with this Chapter.

2. Enforcement. This Chapter shall be enforced by the Zoning Officer of the Borough. No permit of any kind as provided in this Chapter shall be granted by him for any purpose except in compliance with the provisions of this Chapter.

3. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially adversely affected by the alleged violation, in addition to other available remedies may, institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land violation of this Chapter. or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to filing or commencing the action by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

4. Enforcement Notice.

A. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days and

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions described.

5. Enforcement Remedies.

A. 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 five hundred (\$500) dollars plus all court costs and including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or 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 Pennsylvania civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determines 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 deemed

to have been only one (1) such violation until the fifth (5th) 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 without further action required by the borough or the district justice.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person other than the Borough the right to commence any action for enforcement pursuant to this Section.

D. District justices shall have initial jurisdiction over proceedings brought under this Section.

§602. Permits.

1. General.

A. A building or zoning permit shall be required prior to a change in use of land or buildings or the erection, construction or alteration of any building, structure or any portion thereof. No permit shall be required for repairs or maintenance of any building, structure, or grounds provided such repairs do not change the use or otherwise violate the provisions of this Chapter.

B. Application for permits shall be made in writing to the Zoning Officer and shall contain all information necessary for such officer to ascertain whether the proposed erection, construction, alteration, or use complies with the provisions of this Chapter.

C. Such permits shall be granted or refused within thirty (30) days from date of filing the application.

D. No permit shall be issued except in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board or the Courts.

E. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Chapter, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.

F. Proof of ownership of the subject parcel or parcels, or proof of an option or agreement to purchase the said parcel(s), shall be furnished at the time of application.

2. Application for Building or Zoning Permits for Uses in All Commercial and Industrial Districts. Application for all uses in these districts shall be accompanied by:

A. A location plan showing the tract to-be developed, zoning district, adjoining tracts, significant natural features, and streets for a distance of two hundred feet (200') from all tract boundaries.

B. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, driveways, circulation patterns, curb cut accesses, parking stalls and bumpers, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, and other constructional features on the lot and the location of all topographical features.

C. Architectural plans for any proposed building.

D. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

E. Engineering architectural plans for the treatment and disposal of sewage and industrial waste, tailings or unusable by-products.

F. Engineering or architectural plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

G. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.

H. The proposed number of shifts to be worked and the maximum number of employees on each shift.

I. When the use by more than one (1) firm is anticipated, a list of firms that are likely to be located in the center, their floor area, and estimated number of employees.

3. Application for all Other Permits. Applications shall be accompanied by plans in duplicate drawn to scale and showing the following:

A. Actual dimensions and shape of lot to be built upon.

B. Exact size and locations on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alteration.

C. Existing and proposed uses, showing the number of families the building is designed to accommodate.

D. Any other lawful information that may be required by the Zoning Officer, or other sections of this Chapter.

E. Water and sewer systems (sanitary and storm) shall conform to the most recent applicable regulations adopted by the Borough.

4. Temporary Use Permit. A temporary permit may be issued by the Zoning Officer, or his designee, for a structure or use, provided that such structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a specified period of time not exceeding one (1) year.

§603. Certificate of Use and Occupancy.

1. A certificate of use and occupancy shall be required upon the completion of the work contemplated in the Zoning Permit. No building, structure, or free standing sign shall be utilized in any manner until a Certificate of Use and Occupancy is issued.

2. Application Procedures. Application shall be made in writing to the Zoning Officer on a form specified by the Borough or Zoning Officer for such purposes.

3. Issuance.

A. Certificates of use and occupancy shall be granted or refused within ten (10) days from the date of application. No application shall be granted or refused until the Zoning Officer or his designee has inspected the premises. Issuance of this certificate shall be based on conformance of the work to the requirements of this Chapter.

B. In commercial and industrial districts in which performance standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon a reinspection by the Zoning Officer, or his designee, it is determined that the facility is in compliance with all performance standards.

§604. Fees; Determination. All fees shall be determined by Borough Council, and a schedule of such shall be made available to the general public. Borough Council shall be empowered to reevaluate the fee

schedule and make necessary alterations to it in its sole discretion. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of Borough Council by resolution.

§605. Amendments.

1. Enactment of Zoning Ordinance Amendments.

A. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, as amended, is hereby declared optional.

B. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition, notice of the public hearing shall be mailed by the municipality at least thirty days prior to the date of the hearing by ordinary first class mail to the addresses to which real estate tax bills are sent for all real properties located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing.

C. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. At least thirty (30) days prior to the public hearing on the amendment by the Borough, the Borough shall submit the proposed amendment to the Lancaster County Planning Commission for recommendations.

F. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Lancaster County Planning Commission.

2. Procedure for Landowner Curative Amendments.

A. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision of either, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1, as amended. The curative amendment and challenge shall be referred to the Planning Commission and the Lancaster County Planning Commission as provided in MPC §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1, as amended.

B. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, as amended, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions that specifically relate to the landowner's curative amendment and challenge

C. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map;

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, aquifers, floodplains, natural resources and other natural features; and

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

3. Procedure for Borough Curative Amendments.

A. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, the Borough shall declare by formal action that this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council shall

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include

(a) References to specific uses that are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses that requires revision; or

(c) Reference to this entire Chapter or parts thereof that require revisions.

(2) The Borough shall begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment, or validate or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, as amended, in order to cure the declared invalidity of this Chapter.

C. Upon the initiation of the procedures as set forth in §605.3.A, the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609-1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, as amended, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by §605.3.A (1). Upon completion of the procedures set forth in §605.3.A, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

D. The Borough, having utilized the procedures set forth in this Section 605.3, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this §605.3 to propose a curative amendment to this Chapter to fulfill said duty or obligation.

Part 7
Zoning Hearing Board

§701 Zoning Hearing Board.

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*, as amended.

2. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution of the Borough Council, together with not more than two (2) alternate members appointed by resolution of the Borough Council. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The term of alternate members shall be three (3) years, and shall be so fixed that they shall not expire the same year. The Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

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

7. Council for the Borough may appoint by Resolution not more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of any alternate member shall be three (3) years, and such alternate members shall have all such power and authority as provided under Article IX of the Pennsylvania Municipalities Code, 53 P.S. Section 10901, *et seq.*, as amended.

§702. Hearings

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The first hearing in each case before the Board shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief, within 100 days of the first hearing. Upon the request of the applicant, the Board shall

assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

3. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

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

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and argument, and cross-examine adverse witnesses on all relevant issues.

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

7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made; and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

9. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

11. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§703. Jurisdiction.

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

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a) (2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1, as amended.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, without limitations, the granting or denial of any permit, failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter the flood hazard ordinance, or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2, as amended.

F. Applications for special exceptions under this Chapter, floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1, as amended.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2, as amended. And

I. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control or storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*, as amended.

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. 510702, as amended.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508 for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 *et seq.*, as amended.

- C. Applications for conditional use under the express provisions of this Chapter.
- D. Applications for curative amendments to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1 & 10916.1(a), as amended.
- E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609, as amended. And
- F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.* When such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this Section 703.2. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to the court of common pleas.

3. Special Exceptions. Whether Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter or the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 *et seq.*

A. Planning Commission Review of a Special Exception. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report from the Planning Commission.

1. The Planning Commission shall review the application with respect to the location of such use in relation to the needs and growth pattern of Terre Hill Borough when appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces, and other pertinent features of the proposal.

2. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been recommended approval by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedures as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance.

B. Special Exception Decision Criteria. In rendering its decisions, the Board shall consider the following criteria, and the applicant requesting these special exceptions shall bear the burden of proving that such use complies with the following criteria:

1. The suitability of the property for the use desired. Assure itself that the proposed request is consistent with the spirit, purpose and intent of this Chapter.

2. Determine that the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.

3. Determine that the proposed special exception will serve the best interests of the Borough, the convenience of the community, and the public welfare.

4. Consider the effect of the proposed special exception upon the logical efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, public schools, private schools and educational facilities.

5. Impose such conditions, in addition to those required as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, without limitations, to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.

6. Determine that the unique circumstances for which the special exception is sought were neither created by the owner of the property, nor were due to or the result of general conditions in the zoning district in which the property is located.

7. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets and highways from undue congestion and hazard.

8. Ascertain the adequacy of sanitation and public safety provisions, when applicable, and require a certificate of adequacy of sewage and water facilities from a governmental health agency when required herein or deemed advisable. And

9. Financial hardship shall not be construed as the basis for granting special exceptions.

4. Variances.

A. The Zoning Hearing Board shall hear requests for variances when it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule or resolution prescribe the form of application, and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made when relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that 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) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the applicant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. And

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. 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 or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

5. Planning Commission Review of a Variance. No application for a permit shall be granted by the Zoning Hearing Board for any variance use until said Board has first received and considered an advisory report from the Planning Commission.

A. The Planning Commission shall review the application with respect to the location of such use in relation to the needs and growth pattern of Terre Hill Borough when appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces and other pertinent features of the proposal.

B. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been recommended approval by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedures as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance.

6. Conditional Uses.

A. For any use permitted by conditional use, a conditional use application must be obtained from the Terre Hill Borough Council. In addition to the information required on the zoning permit application, the conditional use application must show the following:

(1) Ground floor plans and elevations of proposed structures.

(2) Names and addresses of adjoining property owners, including properties directly across from a public right-of-way.

(3) A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter

(4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.

B. Each applicant must demonstrate compliance with the following and §503 .1:

(1) The proposed use shall be consistent with the purpose and intent of this Chapter, and such use is specifically authorized as a use by condition within the zoning district wherein the applicant seeks approval.

(2) The proposed use shall not detract from the use and enjoyment of adjoining properties.

(3) The proposed use will not substantially change the character of the subject property's neighborhood, nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.

(4) Adequate public facilities are available to serve the proposed use, and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (*e.g.*, schools; parks and recreation; fire, police and ambulance protection; sewer, water and other utilities; vehicular access, etc.).

(5) Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.

(6) The applicant shall establish by credible evidence that the proposed use shall be in and of itself properly designed with regard to internal circulation, off street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Chapter and any other governing law or regulation.

(7) The proposed use shall comply with all applicable regulations contained in this Chapter. And

(8) The proposed use will not substantially impair the integrity of the Elanco Regional Comprehensive Plan.

C. The Terre Hill Borough Council, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions that are more restrictive than those established for other uses in the same district. 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 Part.

D. Any site plan presented in support of the conditional use pursuant to this Part shall become an official part of the record for said conditional use. Approval of any conditional use shall also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approved use, the applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require obtaining another conditional use approval.

E. Hearing Procedures.

(1) Where the governing body, in the zoning ordinances, has stated conditional uses to be granted or denied by the governing body pursuant to express standards and criteria, the governing body shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.

(2) The governing body shall render a written decision, or when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. When the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

(3) Where the governing body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this section, within 60 days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter. If the governing body shall fail to provide such notice, the applicant may do so.

(4) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

(5) The Borough Council shall submit each such application to the Borough Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Borough Planning Commission an opportunity to submit comments and recommendations.

(6) Public notice and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Borough Council shall designate, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing and shall exhibit the nature, date, time, and location of the hearing.

(7) The Borough Council may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, nor expert witness costs.

(8) Time Limitation.

a. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within 2 years after the date when the conditional use is finally granted; and the building or alteration, as the case may be, shall be completed within 3 years of said date. For good cause, the Borough Council may at any time, upon application in writing, extend either of these deadlines.

b. Should the appellant or applicant fail to obtain the necessary permits within said 2-year period, or having obtained the permit, should he fail to commence work thereunder within such 2-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by Borough Council.

c. Should the appellant commence construction or alteration within said 2-year period, but should he fail to complete such construction or alteration within the said 3-year period, the Borough Council may, upon 10 days notice in writing, rescind or revoke the granted conditional use, if the Borough Council finds that no good cause appears for the failure to complete within such 3-year period, and if the Borough Council finds that conditions have altered or

changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

7. Planning Commission Review of a Conditional Use. No application for a permit shall be granted by the Borough Council for any conditional use until said Council has first received and considered an advisory report from the Planning Commission.

A. The Planning Commission shall review the application with respect to the location of such use in relation to the needs and growth pattern of Terre Hill Borough when appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces and other pertinent features of the proposal.

B. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been recommended approval by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Borough Council on such application. After receipt of the report, the Borough Council shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance.

§704. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer including, without limitations, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation or erosion control, or storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough; or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. An appeal shall state:

1. The name and address of the appellant.
2. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
3. A brief description and location of the real estate to be affected by such proposed change.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the Section of this Chapter under which the variance, or exception requested, may be allowed, and reasons why it should be granted.

§705. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person

alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

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

3. Unless otherwise specified by the Board or by law, a variance or special exception shall expire if the applicant fails to obtain a building permit within one (1) year of the date of authorization thereof by the Zoning Hearing Board or by the Court if such special exception or variance has been granted after an appeal from the decision of the Board. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use as authorized by the special exception or variance within two (2) years from the date of authorization by the Zoning Hearing Board or by the Court if such variance or special exception has been granted after an appeal from decision of the Board. The Board, for reasonable cause shown, may extend the time limitations as set forth herein. (Ord. 9/-/1976, §707; as amended by Ord. 5-1993, 11/23/1993)

§706. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition after notice to the Zoning Officer or other appropriate agency or body.

2. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

A. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

B. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

C. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§707. Appeal. Any person, taxpayer, or the Borough aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania. (Ord. 9/-/1976, §709)

Zoning Use Chart

P=Permitted S=Special Exception C=Conditional Use

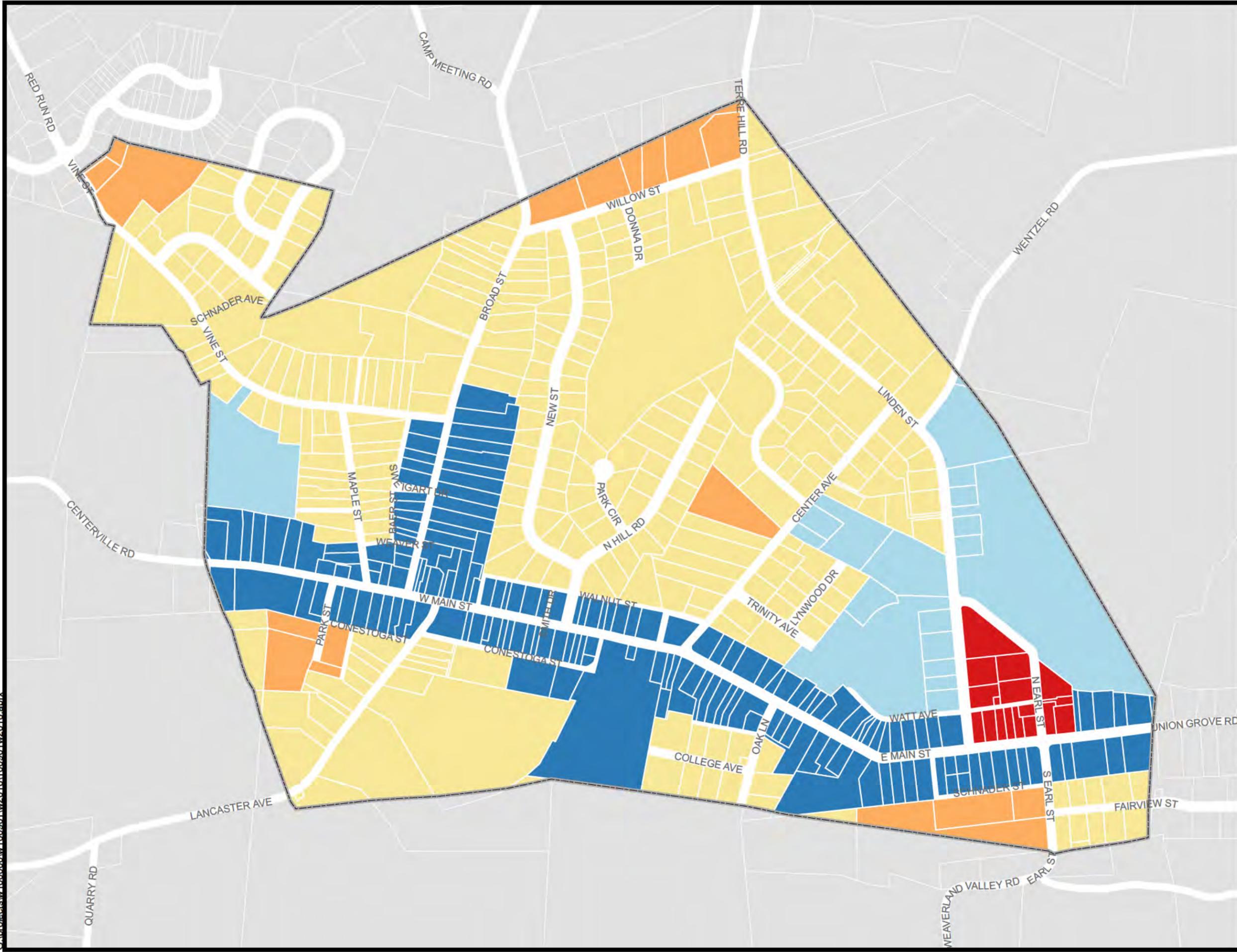
| USE | R-1 | R-2 | R-C | C-N | L-I |
|---|-----|-----|-----|-----|-----|
| Academic Clinical Research Center | | | | | S |
| Accessory Building | P/S | P/S | P/S | P | P |
| Administrative Activities | | | | | P |
| Adult Oriented Business or adult Use | | | | S | |
| Alcoholic Beverage Sales | | | | S | |
| Amusement Enterprise | | | S | P | |
| Bank | | | P | P | |
| Bed and Breakfast | | S | S | S | |
| Building Height Exceeding 35' | | | S | S | S |
| Boarding House | | | S | | |
| Car Wash | | | | P | |
| Cemetery | S | | S | | |
| Church | S | | S | | |
| Club or Lodge | | | | S | |
| Cluster Development | | S | S | | |
| Commercial & Residential in same structure | | | S | S | |
| Communication Tower or Antenna | C | | | | |
| Condominium | | | S | | |
| Dwelling, Multiple Family | | P | S | | |
| Dwelling, Single Family Detached | P | P | P | | |
| Dwelling, Single family Semi-Detached | | P | P | | |
| Dwelling, Townhouse | C | P | S | | |
| Dwelling, Two-Family Detached | | P | P | | |
| Fire House | | | | P | |
| Forestry | P | P | P | P | P |
| Funeral Home | | | S | | |
| Garage, Public | | | | P | S |
| Gasoline Service Station | | | | P | |
| Gas Station/Minimart | | | S | P | |
| Geothermal Heating and Cooling | P | S | S | P | P |
| Health and Recreation Club | | | P | P | P |
| Home Occupation | S | S | S | S | |
| Horticulture Uses | P | P | P | P | P |
| Hotel | | | S | P | |
| Inn | | | S | S | |
| Internet Marketplace for Short Term Lodging | | S | S | S | |
| Junk Yard | | | | | S |
| Manufactured Housing | P | P | P | | |
| Medical Marijuana Grower/Processor | | | | | S |
| Medical Marijuana Dispensary | | | | S | S |
| Medical Marijuana Transport Vehicle Service | | | | S | S |
| Membership Club | | | | P | P |
| Mixed Use | | | S | | |
| Mobile Home | | S | | | |
| Mobile Home Park | | S | | | |

Zoning Use Chart

P=Permitted S=Special Exception C=Conditional Use

| | | | | | |
|--|---|---|---|---|---|
| Modular Housing | P | P | P | | |
| Motel | | | S | P | |
| Municipal Use | P | P | P | P | P |
| Nightclub | | | S | S | |
| No-Impact Home Based Business | P | P | P | P | P |
| Non-Residential Conversion | | | S | | |
| Office | | | | P | P |
| Outdoor Cafe | | | S | | |
| Personal Service Establishment | | | P | P | |
| Planned Shopping Center | | | | S | |
| Private School/Educational Facility | S | | S | | |
| Production, manufacturing, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products. | | | | | P |
| Professional Office | | | P | | |
| Public School | S | | S | | |
| Public Garage | | | | P | S |
| Public Grounds | P | P | P | P | P |
| Public Uses | P | P | P | | P |
| Public Utility | P | P | P | P | P |
| Research, Engineering or Testing Laboratory (no def., no req.) | | | | | P |
| Residential Conversion | | S | S | | |
| Retail Sales | | | P | P | |
| Restaurant | | | P | P | |
| Self Storage | | | | P | |
| Shed | P | P | P | P | P |
| Solar Energy System | P | P | P | P | P |
| Swimming Pool, Public | | | S | S | |
| Swimming Pool, Private | | | S | | |
| Tavern | | | | S | |
| Tourist Home | | | S | | |
| Vehicular Sales and/or Service | | | | P | |
| Wholesale Sales | | | | P | P |
| Wind Energy System | | | | | S |

Zoning and Parcels Terre Hill Borough Lancaster County, PA



East Earl Township Parcel
 Municipal Boundary

Zoning

- C-N
- L-I
- R-1
- R-2
- R-C

N

0 450 900
 Feet

1:5,400

Data Source:
 Parcels, Lancaster Co., 2016
 Boundary, Lancaster Co., 2016
 Roads, PENNDOT, 2013

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