

Borough of Jessup

Lackawanna County

Zoning Ordinance









Borough of Jessup
Zoning Ordinance

Lackawanna County, Pennsylvania

As Adopted by the Borough of Jessup
Borough Council on November 23, 2020.

URDC

Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

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USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.

- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.

- Review the **Zoning Map** at the end of this Zoning Ordinance or online to determine the Zoning District that includes your lot.

- Review Articles 3 or 4, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each Zoning District. A use is permitted in three ways:

    1) by right,
    2) by special exception (the Zoning Hearing Board must approve the use, as described in Section 1416), or
    3) by a conditional use (the Borough Council must approve the use under Section 1417).

- Consult Article 5, including the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each Zoning District.

- Refer to the **Definitions** in Article 15 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the Zoning District according to Articles 3 or 4, that use is called a **"Non-Conforming Use"**. In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 1305 regarding "Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 602 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 603. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 603.

If your lot may be flood-prone, see the Borough's **Floodplain regulations** and the Federal Floodplain Maps (which can be viewed at the Borough Building or at www.fema.gov).

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

- Many uses must provide minimum numbers of off-street **Parking** spaces under Article 11 of this ordinance. The parking standards are listed in a table.

- If **Signs** are proposed within public view, Article 12 must be met. This article lists the types, heights and sizes of signs that are permitted.

- Certain uses are required to provide an open **Buffer Yard** with **Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 13.

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

- An applicant may apply to the Borough **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. A fee is required to compensate the Borough for legal advertisements and other costs. See Section 1411.D., which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".

- For Stormwater Management, see the Borough **Stormwater Ordinance**.

- If there will be disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the Lackawanna County Conservation District. Permits and approvals may be required under State regulations.

- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential or multi-family buildings are proposed, then the requirements and approval procedures of the Borough's **Subdivision and Land Development Ordinance (SALDO)** will also apply.

Before any new development can receive approval(s), required plans must be submitted to the Borough. If a subdivision or land development is involved, then plans must be submitted to the Borough under the SALDO, and a review will be required by the Lackawanna County and Borough Planning Commissions, followed by an approval by Borough Council.

If a zoning permit is needed (such as for a new or expanded use, a new or expanded structure or a sign), a site plan typically must be submitted to the Zoning Officer under Section 1403.D.

As noted in Section 1502, the word “shall” means a provision is mandatory, while “should” means a provision is recommended. The meaning of the word “may” depends upon the context of the sentence.

Any questions concerning the Zoning Ordinance should be directed to the **Zoning Officer**. The Zoning Officer also administers applications for zoning permits.

A separate Construction Code Official handles applications for building and other construction permits under the State Uniform Construction Codes. Construction permit applications typically occur after receiving any needed SALDO or zoning approvals.

Ordinance No. 10-2020

BOROUGH OF JESSUP ZONING ORDINANCE

ARTICLE 1
TITLE; ENACTMENT; SEVERABILITY

101. **Title**. A New Zoning Ordinance: a) dividing the Borough of Jessup, Lackawanna County, Pennsylvania into zoning districts with varying regulations; b) permitting, prohibiting and regulating: the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, expansion, razing, removal and use of structures, the areas and dimensions of land and water to be occupied by uses and structures, as well as open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code (MPC) as amended, including provisions for special exception uses and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.

102. **Short Title**. This Ordinance shall be known and be cited as the "Borough of Jessup Zoning Ordinance" of 2020.

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

104. **Procedural Defects in Enactment**. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.

105. **Repealer**. The pre-existing Borough of Jessup Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other subsections of Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.

106. **Enactment**. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of the Borough of Jessup hereby enacts and ordains into an Ordinance the attached document this date of November 23, 2020. This Ordinance shall become effective on November 23, 2020.

_____
President of Borough Council

_____
Attest, Borough Secretary

_____
Mayor, Borough of Jessup

ARTICLE 2
ESTABLISHMENT OF ZONING DISTRICTS

201. **Establishment and Purposes of Districts.** See the overall purposes of this Ordinance in Section 1402. The Borough of Jessup is hereby divided into Zoning Districts of different types to carry out the objectives of this Ordinance. Each parcel of land and every structure in the Borough, except as otherwise provided by law or by this Ordinance, shall be subject to the regulations specified for the District in which it is located. The Borough is divided into the following Zoning Districts, with the following abbreviations and that serve the following purposes, in addition to the overall purposes of this Ordinance:

A. R-1 Low Density Residential District – To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached dwellings.

B. R-2 Medium Density Residential District – To provide for medium density neighborhoods, in a manner that respects and continues traditional forms of development (such as walkable neighborhoods with sidewalks, street trees and front porches).

C. R-3 Medium High Density Residential District – To provide for a neighborhood with a mix of housing types, in a manner that respects and continues traditional forms of development, and that helps to support downtown businesses.

D. TC Town Center District – To provide for an orderly coordinated development of varied commercial business, arts, cultural, institutional and residential development in the downtown. To promote pedestrian-friendly uses, as opposed to uses that are auto dependent. The intent is to avoid very intensive uses that are most likely to generate nuisances or hazards for nearby residents.

E. IC Interchange Commercial District – To provide for a wide variety of commercial uses, including more intensive commercial uses, in areas that include fewer existing homes. To manage traffic to avoid congestion and safety hazards, particularly in regards to access to major streets. To also provide services to travelers along the Robert P. Casey Highway (U.S. Route 6) and employees of local businesses.

F. LI Light Industrial District – To provide for a variety of industrial development, while not allowing for heavy industrial uses that are likely to result in hazards or nuisances. To also allow for complementary commercial uses.

G. GI General Industrial District – To provide suitable areas for a wide variety of industrial uses and a few selected commercial uses, including intensive uses that must be allowed under State law.

H. MU Mixed Use District – To provide for opportunities for various types of business and residential development, provided that the applicant is able to show that a development tract will be able to be developed in a manner that is fully compatible with adjacent uses and the road system. To avoid types of industrial uses that are most likely to generate substantial amounts of new heavy truck traffic, in consideration of the road suitability and the impacts that would occur upon residential and public recreation areas.

I. C-R Conservation-Recreation District - To recognize recreation and conservation areas that are open to the public, and also to recognize areas with concentrations of important natural features that are only suitable for very limited intensity development.

202. **Zoning Map.** The Borough of Jessup Zoning Map shall consist of one or more map(s) accurately showing the boundaries of various Zoning Districts. The zoning map information may be maintained and updated using digital and/or paper versions. At least one paper copy of the official map shall be maintained and available in the office of the Zoning Officer. The zoning map and all notes and measurements shown thereon are hereby incorporated by reference into this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described in this text.

203. **District Boundaries.** Where uncertainty exists with respect to the boundaries between Districts as shown on the Zoning Map, the following rules shall apply.

A. Where District boundaries are indicated as approximately coinciding with streets, alleys, waterways, or railroad rights-of-way, the center line of such features shall be construed to be such boundaries, unless otherwise indicated on the Zoning Map. The Zoning District boundaries shall extend to the Borough border, even if a border is not accurately portrayed on the Zoning Map.

B. Where District boundaries are indicated as approximately coinciding with lot lines that existed at the time of the adoption of the Zoning Map, they shall be construed as following such lot lines.

C. Where District boundaries do not coincide with a physical feature or lot line, and are not fixed by dimensions on the Zoning Map or notes, the boundary shall be determined using a scale.

D. Whenever any street, alley, or other public right-of-way is vacated, the Zoning District adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation.

204. **Floodplain District.** For the regulations pertaining to the Floodplain District, which is an overlay to the regular Zoning Districts, see the Borough Floodplain Ordinance and Federal Floodplain Maps.

205. **Uses Not Specifically Regulated.** If a use clearly is not permitted by right or as a Special Exception Use or a Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Borough Council may permit such use as a Conditional Use if the applicant specifically proves to the clear satisfaction of the Borough Council that all of the following conditions would be met:

A. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the District,

B. the proposed use would be closely similar in impacts and character to uses allowed in that District,

C. the use would meet the standards that would apply under Section 1417 to a Conditional Use, and

D. the use is not specifically prohibited in that District.

ARTICLE 3
ALLOWED USES IN PRIMARILY RESIDENTIAL DISTRICTS.

301. **Allowed Uses in Primarily Residential Districts.**

A. For the purposes of Articles 3 and 4, the following abbreviations shall have the following meanings:

P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by the Zoning Hearing Board)
C	=	Conditional use (zoning decision by Borough Council)
N	=	Not Permitted
(See 602)	=	See Additional Requirements in Section 602
(See 603)	=	See Additional Requirements in Section 603

B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 205), any land or structure shall only be used or occupied for a use specifically listed in these Articles 3 or 4 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

USES (See definitions in Article 15)	ZONING DISTRICTS R-1	R-2	R-3	C-R
(1) RESIDENTIAL USES				
Age-Qualified Housing Involving Housing Types Allowed in the District - See Article 5 for density bonuses and Section 406. In addition, apartments shall be permitted by right in R-2 or R-3 if they are part of an Age-Qualified Housing Development	P	P	P	N
Boarding House (includes Rooming House)	N	N	N	N
Conversion of an Existing One Family Dwelling into Additional Dwelling Units (See 602)	N	SE*	SE	N
Group Home within a lawful existing dwelling unit (See 602), not including a Treatment Center	P**	P**	P**	N
Multi-Family (Apartment) Dwellings, other than conversion of an existing one family dwelling into 2 or more dwellings (See 602)	N	N	P	N
Single Family Detached Dwelling (Note-Manufactured/mobile homes shall meet the additional requirements of See 602)	P	P	P	P
Single-Family Semi-Detached Dwelling (Side-by-Side Twin)	N	P	P	N
Two-Family Dwelling (Typically One Unit Above Another Unit)	N	P	P	N
Townhouses (Single-Family Attached Dwellings or Rowhouses) (See 602)	N	P	P	N
(2) COMMERCIAL USES (See also accessory uses on the next page.)				
Bed and Breakfast Inn, within a building constructed before January 1, 1940 and which includes a minimum of 2,500 square feet of indoor building floor area (See 603)	N	SE	SE	SE
Conversion of an Existing Principal Institutional or Principal Industrial Building into Multi-Family Dwellings or Live Work Units (See 602)	N	SE	SE	N
Office, which may be developed as a Live Work Unit (See 602), or which may be combined with a dwelling unit	N	SE	P	N
Temporary Commercial Uses allowed if meet Section 1403.G.				
(3) INSTITUTIONAL / SEMI-PUBLIC USES				
Cemetery (not including Crematorium) (See 602)	N	N	N	SE
Community Recreation Center (Note - one designed for residents of a housing development is permitted by right as an accessory use).	N	SE	SE	P
Day Care Center, Adult (See 602) (See also as accessory use)	N	N	N	N
Day Care Center, Child (See 602)(See also as accessory use)	N	N	N	SE
Nursing Home, Personal Care Home / Assisted Living Facility or Hospice (See 602)	N	SE	SE	N
Outdoor Recreation, other than Publicly-Owned or Publicly-Operated Recreation Park (See 602)	N	N	N	SE

* = Limited to a pre-existing building that includes more than 3,000 square feet of heated habitable indoor floor area. Basement or attic space shall only count towards this square footage if the space would be considered habitable under the Construction Code, including meeting the minimum ceiling height. A maximum total of 3 dwelling units may be allowed on the lot under this provision, provided there is compliance with other requirements. The off-street parking requirements of Article 11 also apply.

** = Certain group homes need special exception approval under Section 602.

P = Permitted By Right N = Not Permitted SE = Permitted By Special Exception (Zoning Hearing Board Approval)

C = Conditional use (Borough Council approval)

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

USES (See definitions in Article 15)	ZONING DISTRICTS R-1	R-2	R-3	C-R
Place of Worship (See 602) (includes Church)	SE	SE	SE	SE
School, Public or Private, Primary or Secondary (See 602)	SE	SE	SE	N
(4) PUBLIC/SEMI-PUBLIC				
Borough Government Uses	P	P	P	P
Emergency Services Station (See 602)	N	P	N	N
Government Facility, other than uses listed separately in Articles 3 and 4	SE	SE	SE	SE
Publicly Owned or Operated Recreation Park	P	P	P	P
Public Utility Facility (See also Section 1414) other than uses listed separately in Articles 3 and 4	SE	SE	SE	SE
Swimming Pool, Non-household (Indoor or outdoor) (See 602)	P	P	P	P
(5) ACCESSORY USES - See also allowed accessory uses in Section 302.				
Bus Passenger Shelter without any advertising signs (See 603)	P	P	P	P
Communications Antennae meeting Section 602 pertaining to accessory antenna placed on certain existing structures (See 602)	P	P	P	P
Communications Antenna or Towers, other than as provided above (See 602)	N	N	N	SE
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P
Day Care (See 603) as accessory to a dwelling of the following number of persons, in addition to children or official guardian of the on-site caregiver, and provided there is compliance with State regulations:				
– Day care of a maximum of 3 persons	P	P	P	P
– Family Day Care Home (4 to 6 children)	N	SE**	P**	P
- Accessory Adult Day in a Home (4 to 6 adults)	N	N	SE	P
– Group Day Care Home (7 to 12 children)	N	N	N	P
Donation Bins, Outdoor (See 603, which limits their locations)	P	P	P	P
Furnace, Outdoor (See 603)	N	N	N	N
Home Occupation, General (See 603)	SE	SE	SE	SE
Home Occupation, Low Impact (See 603)	P	P	P	P
Short-Term Rental of a Dwelling (See 603)	P	P	P	P
Unit for Care of Relative (See 603)	P	P	P	P
Wind Turbine, maximum of one on a lot that is an accessory use (See 603)	N	N	N	C
(6) MISCELLANEOUS USES				
Clean Fill (See 603)	P	P	P	P
Crop Farming, Non-Commercial Greenhouse or Community Garden	P	P	P	P
Forestry (See 602)	P	P	P	P
Nature Preserve or Environmental Education Center	P	P	P	P
Livestock and Poultry, Raising of (See also Pets in accessory uses)	N	N	N	SE
Parking Lot as the Principal Use of a Lot, not including a lot that primarily serves commercial trucks	N	SE	SE	N
Solar Energy Collection Systems which may cover areas on top of building roofs and over vehicle parking areas, plus areas equal to a maximum of 20 percent of the lot area	P	P	P	P
Stable, Non-Household (See 602)	N	N	N	SE

P = Permitted by right use (zoning decision by Zoning Officer) C = Conditional use
SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603
** Limited to a single family detached or single family semi-detached (twin) dwelling.

302. **Permitted Accessory Uses in All Districts.** An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all Districts, within the requirements of Article 6, the setbacks stated in Article 7, and all other requirements of this Ordinance:

A. Antennae, Standard for television, radio and similar reception (See Section 603)
B. Fence or Wall (See Section 603)
C. Garage, Household
D. Garage Sale (See Section 603)
E. Pets, Keeping of (See Section 603)
F. Parking or Loading, Off-Street, only to serve a lawful use on the same lot or a use that is permitted in that District
G. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
H. Residential accessory structure (See Section 603)
I. Signs, as permitted by Article 12
J. Swimming Pool, Household (See Section 603)
K. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

ARTICLE 4
ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS

401. **Allowed Uses in Primarily Non-Residential Districts.** Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 205), any land or structure shall only be used or occupied for a use specifically listed in these Articles 3 or 4 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

For manufacturing uses, the types of uses listed in this Article correspond approximately to the categories of the North American Classification System, administered by the U.S. Department of Commerce. In case of question about the categorization, such system shall be consulted.

For the MU Mixed Use district, the additional regulations of Article 8 shall apply.

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
A. RESIDENTIAL USES					
Boarding House (includes Rooming House) (See 602) (other than uses listed separately in this table)	SE	N	N	N	N
Group Home within a lawful existing dwelling unit (See 602), not including a Treatment Center	P	P	P	N	N
Live Work Unit (See 602)	P	P	P	N	N
Manufactured/Mobile Home Park (See 602)	SE	N	N	N	N
Multi-Family (Apartment) Dwellings (See 602), which may be in the same building or on the same lot as allowed non-residential uses.	N	P*	SE	N	N
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 602)	SE	P*	P	N	N
Single Family Semi-Detached Dwelling (side-by-side)	N	P*	SE	N	N
Townhouse (Single Family Attached Dwelling) (See 602)	N	P*	SE	N	N
B. COMMERCIAL USES					
Adult Use (See 602)	N	N	N	N	SE
After Hours Club - To the extent this use is not already prohibited by State Act 219 of 1990 (See 602)	N	N	N	N	SE
Airport (see also "Heliport")	N	N	N	N	SE
Amusement Arcade	P	P	N	N	N
Amusement Park or Water Park	SE	N	SE	P	P
Animal Cemetery (See 602)	N	N	N	N	P
Animal Day Care (See 602)	P	N	SE	P	P
Arena, Auditorium (Commercial), Performing Arts Center or Exhibition-Trade Show Center	P	P	P	P	P
Auto Body Shop or Auto Repair Garage (See 602), and provided that parking shall be prohibited on a sidewalk within the right-of-way	SE	N	N	N	P
Auto, Boat or Mobile/Manufactured Home Sales (See 602)	P	N	N	N	N
Auto Service Station, which may combined with a retail store that is allowed in the district, and which may also include fueling of vehicles using hydrogen, liquefied natural gas, propane or similar fuels (See 602) For a use that primarily serves tractor-trailer trucks, see "Truck Stop" in this table.	SE	N	N	SE***	P

* = Such housing shall be limited to being in the same building as a principal commercial use(s) that occupies the majority of the street level along Church Street, if the lot is adjacent to Church Street.
** = See limits on hours of operation in Section 405.
*** = This use shall be limited to lots south of U.S. Route 6.
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use
N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
B. COMMERCIAL USES (Cont.)					
Bakery, Retail	P	P	P	P	P
Bed and Breakfast Inn (See 603)	P	P	P	N	N
Beverage Distributor (wholesale and/or retail)	P	P	P	P	P
Bus Maintenance or Storage Yard	P	N	N	P	P
Bus, Taxi or Passenger Rail Terminal	P	P	SE	P	P
BYOB Club (Note- this use is limited to a use that is open after midnight and does not receive the majority of its revenues from food, and is not an "After Hours Club")(See 602)	SE	N	N	N	N
Car Wash (See 602)	P	N	P	P	P
Catering, Custom, for Off-Site Consumption	P	P	P	P	P
Communications Antennae, Commercial (See 602), limited to accessory antenna attached to specified types of structures by Section 602	P	P	P	P	P
Communications Tower, Commercial (See 602), or other antennae that are not allowed under the above accessory provision	SE	N	SE	SE	SE
Conference Center or Exposition Center	P	P	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 1303.C.	P	P*	P	P	P
Convenience Store, which may be combined with an Auto Service Station only if the requirements for an Auto Service Station are also met, including being allowed in the district.	P	P	P	N	N
Crafts or Artisan's Studio	P	P	P	P	P
Custom Printing, Copying, Faxing, Mailing or Courier Service and similar services to businesses	P	P	P	P	P
Data Center, which may include an Internet Server Building	P	N	P	P	P
Exercise Club	P	P	P	P	P
Financial Institution; includes banks, with Drive-Through facilities only allowed in the TC District if the applicant proves to the Borough that the access has been designed to minimize conflicts with pedestrian traffic along sidewalks. See also Drive-Through Provisions in Section 603.	P	P	P	P	P
Flea Market/ Auction House	P	P	P	P	P
Food Truck (includes Food Trailer), other than the following that are permitted by right in all business districts: a) operation at any location for less than 15 minutes per day, b) Borough-approved special events and c) as accessory to an on-site commercial use building (See 603)	SE	SE	SE	N	N

* = A maximum of 25% of lot shall be used for outdoor storage.
** = See limits on hours of operation in Section 405.
P = Permitted by right use (zoning decision by Zoning Officer) C = Conditional use
SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
B. COMMERCIAL USES (Cont.)					
Funeral Home (See crematorium listed separately under Institutional Uses)	P	P	P	P	P
Gaming Facility, Licensed, other than small games of chance allowed under State law and the State Lottery	N	N	N	C*	C
Gas Station - See "Auto Service Station" in this table.					
Golf Course, with a 25 acre minimum lot area, and which may include an an accessory restaurant, pro shop, driving range and clubhouse	N	N	P	N	N
Heliport (See 602)	N	N	N	SE	SE
Hotel or Motel (See 602)	P	N	SE	N	N
Kennel (See 602)	N	N	SE	SE	SE
Laundromat	P	P	P	P	P
Laundry, Commercial or Industrial	P	N	P	P	P
Lumber Yard	N	N	N	P	P
Medical Marijuana Dispensary (See 602)	SE	N	SE	N	N
Micro-brewery or Micro-distillery (which may be in combination with a restaurant or tavern)	P	P	P	P	P
Motor Vehicle Racetrack, Outdoor (See 602)	N	N	N	N	C
Nightclub (See 602)	SE	SE	SE	N	N
Office (May include medical clinics or labs)	P	P	P	P	P
Pawn Shop	SE	N	N	N	N
Personal Services (includes tailoring, check cashing, custom dressmaking, haircutting/styling, dog grooming, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses)	P	P	P	P	P
Plant Nursery (other than a Retail Store)	P	P	P	P	P
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any Residential District, and with Fire Company review.	N	N	N	N	SE
Recording Studio, Music	P	P	P	P	P
Recreation, Commercial Indoor or Outdoor (includes bowling alley, roller or ice skating rink, batting practice, miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Article 4	P	P	P	P	P
Repair Service, Household Appliance	P	P	P	P	P
Restaurant (includes Banquet Hall) (See 602), other than a Tavern or Nightclub					
– with drive-through service (See 603)	P*	N	SE*	N	N
– without drive-through service.	P	P	P	P	P
(Sidewalk Cafes or Food Carts are listed separately below.)					
Retail Store (not including uses listed individually in this Article 4). Any drive-through facilities shall meet Section 603. This use may include rental of items or check cashing.	P	P	P	P	P

* = This use shall be limited to lots south of U.S. Route 6.

** = See limits on hours of operation in Section 405.

P = Permitted by right use (zoning decision by Zoning Officer) C = Conditional use

SE = Special exception use (zoning decision by Zoning Hearing Board) N= Not permitted

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
B. COMMERCIAL USES (Cont.)					
Self-Storage Development (See 602)	P	N	P	P	P
Shopping Center	P	P	SE	P	P
Sidewalk Café or Food Cart as an accessory use (See 603)	P	P	P	N	N
Target Range, Firearms (See 602)					
– Completely indoor, enclosed and soundproofed	P	N	P	P	P
– Other than above, with a barrier that the applicant proves is sufficient to protect public safety	N	N	N	N	SE
Tattoo Parlor or Body Piercing (other than temporary tattoos or ear piercing which are personal service uses)	P	N	P	P	P
Tavern, other than a Nightclub	P	SE	SE	N	N
Television or Radio Broadcasting Studios	P	P	P	P	P
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	P	P	P	P	P
Trade / Hobby School	P	P	P	P	P
Truck Stop that primarily serves tractor-trailer trucks	N	N	N	N	SE
Veterinarian Office (See 602)	P	P	P	P	P
Visitor Center providing education and promotional information	P	P	P	P	P
Wholesale Sales - see under Industrial Uses					
C. INSTITUTIONAL / SEMI-PUBLIC USES					
Cemetery (See 602); see Crematorium listed separately	P	N	SE	N	P
College or University - Educational, Recreational, Office or Support Uses (See also Residential Uses, which are addressed separately)	P	P	P	P	P
Community Recreation Center or Library	P	P	P	P	P
Crematorium (See 602)	N	N	N	N	C
Criminal Halfway House or Day Reporting Center (See 602)	N	N	N	N	C
Cultural Center or Museum	P	P	P	P	P
Day Care Center, Adult or Child (See 602) (See also as an accessory use)	P	P	P	SE	N
Emergency Services Station or Training Facility	P	P	P	P	P
Hospital or Surgery Center, which may include Related Testing Facilities	P	P	P	P	N
Membership Club meeting & non-commercial recreational facilities, provided that such use shall not be open between 2 & 6 AM, and provided that such use shall only be allowed in combination with another use if the other use is allowed in that District and if the requirements for that use are also met. (See 602)	P	P	P	P	P

* = If the use will be open between midnight and 6 AM, the use and its parking areas shall be setback a minimum of 200 feet from any existing or approved dwellings.
** = See limits on hours of operation in Section 405.
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use
N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
C. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)					
Nursing Home or Personal Care Home/Assisted Living Facility or Hospice (See 602)	P	P	P	SE	N
Place of Worship (See 602) (includes Church)	P	P	P	P	P
School, Public or Private, Primary or Secondary (See 602)	P	P	P	N	N
Temporary Shelter (See 602)	SE	N	N	N	SE
Treatment Center (See 602)	N	N	N	N	C
D. PUBLIC/SEMI-PUBLIC USES					
Borough Government Uses and Facilities, such as Public Works Facilities.	P	P	P	P	P
Government Facility, other than offices and other than uses listed separately in this Article	P	P	P	P	P
Prison or Similar Correctional Institution (See 602)	N	N	N	N	C
Publicly Owned or Operated Park	P	P	P	P	P
Public Utility Facility, other than Borough-owned facilities & other than uses listed separately in this Article. See also Section 1414	SE	SE	SE	SE	P
Sewage Pump Stations	P	P	P	P	P
Swimming Pool, Non-household (See 602)	P	P	P	P	P
U.S. Postal Service Facility or Substation	P	P	P	P	P
E. INDUSTRIAL USES					
Asphalt Plant	N	N	N	N	C
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	SE	N	N	P	P
Building Supplies and Building Materials, Wholesale Sales of	P	N	P	P	P
Compressor Station - See Pipeline Compressor Station in this section					
Distribution Center - See Warehousing, Storage or Distribution Center in this section.					
Electric Power Generating Plant (Other than Solid Waste to Energy, Solar Energy or Wind Turbines)	N	N	N	N	C
Electricity Grid Storage Battery Facility, with a 150 feet setback from all electricity storage structures to a residential district boundary	N	N	N	C	C
Gas or Oil Well (See 602)	N	N	N	N	SE
Industrial Equipment Sales, Rental and Service, other than involving trucks and trailers primarily intended to be operated on public streets	P	N	P	P	P
Incineration of Hazardous or Toxic Waste, other than may have been previously approved within an existing waste-to-energy plant	N	N	N	N	C
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603
** = See limits on hours of operation in Section 405.

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
E. INDUSTRIAL USES (Cont.)					
Junk Yard (See 602) (includes scrapyard)	N	N	N	N	C
Liquid or Gas Fuel Storage, Bulk, or Liquefied Natural Gas Facility for off-site distribution or shipment, which shall require a 300 feet setback from a Residential District and review by the Fire Company of any proposed facilities; but not including: auto service station, propane distributor as listed separately, pre-packaged sales of tanks, or fuel tanks for company vehicles. See also pipeline setbacks in Section 1309.	N	N	N	N	C
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
– Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	SE
– Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	P	N	P	P	P
– Cement Manufacture	N	N	N	N	SE
– Ceramics Products (other than Crafts Studio)	N	N	N	P	P
– Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N	N	C
– Clay, Brick, Tile and Refractory Products	N	N	N	P	P
– Computers; Electronic & Microelectronic Products	P	N	P	P	P
– Concrete, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	P
– Electrical & Electronic Equipment, Appliances & Components	P	N	P	P	P
– Explosives, Fireworks or Ammunition (see also Section 1309 for pipeline setbacks)	N	N	N	N	C
– Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	P	P
– Food and Beverage Products, at an industrial scale as opposed to a clearly retail scale (which may include aquaculture)	P	N	P	P	P
– Glass & Glass Products (other than Crafts Studio)	N	N	N	P	P
– Jewelry and Silverware	P	N	N	P	P
– Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	P	P
– Machinery or Gaskets	N	N	N	P	P
– Manufactured or Modular Housing Manufacture	N	N	N	P	P
– Medical Equipment and Supplies	P	N	SE	P	P
– Metal Products, Primary	N	N	N	SE	P
– Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	P	P
– Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	P	P
– Paper - Raw Pulp	N	N	N	N	SE
– Paving Materials, other than bulk manufacture of asphalt	N	N	N	SE	P

P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603
** = See limits on hours of operation in Section 405.

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
E. INDUSTRIAL USES (Cont.)					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
– Pharmaceuticals and Medicines	SE	N	SE	P	P
– Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Paints, or Ink	N	N	N	SE	P
– Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	P	N	SE	P	P
– Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	SE	P
– Scientific, Electronic and Other Precision Instruments	P	P	P	P	P
– Sporting Goods, Toys, Games, Musical Instruments or Signs	P	P	P	P	P
– Transportation Equipment, including installing mechanical additions to trucks and trailers	N	N	N	P	P
– Wood Products and Furniture (not including raw paper pulp)	P	P***	P***	P	P
– See Section 602 for uses that are not listed					
Medical Marijuana Grower / Processor (See 602)	N	N	N	SE	SE
Mineral Extraction (See 602) and related processing, stock-piling and storage of materials removed from the site, other than as part of preparation of a development site	N	N	N*	C****	C
Packaging	P	P	P	P	P
Package Delivery Services Distribution Center - This use is regulated as a type of "Distribution Center" use. See under "Warehousing, Storage and Distribution Center" in this section.					
Petroleum Refining or Manufacture or Bulk Storage of Ethanol or similar fuels for off-site use, which shall require a 300 feet setback from a residential district and Fire Company review. See also Section 1309.	N	N	N	N	C
Pipeline Compressor Station (such as for natural gas), which shall be constructed within an enclosed structure with sound absorbing walls, and with additional setbacks required by Section 1309	N	N	N	N	C
Printing or Bookbinding	P	P	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include any use meeting the definition of a waste disposal or transfer facility, junkyard or vehicle salvage use)	N	N	N	C****	P

P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603
* = Mineral extraction that is limited to only coal mining is allowed as a conditional use.
** = See limits on hours of operation in Section 405.
*** = Not including a use that would use an industrial-scale sawmill for raw timber.
**** = This use shall be limited to lots south of U.S. Route 6.

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
E. INDUSTRIAL USES (Cont.)					
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) and related manufacture of prototypes	N	N	N	P	P
Sawmill/ Planing Mill	N	N	SE	N	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	SE
Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste to Energy Facility (See 602)	N	N	N	N	C
Trucking Company Terminal (See 602)					
- More than 50 tractor-trailer loading or unloading docks or stations	N	N	N	N	C
- Other Trucking Company Terminals	N	N	N	C***	C
Warehousing, Storage or Distribution Center as a principal use: (See 602) (Not including a Trucking Company Terminal)					
- More than 800,000 square feet of building floor area per lot	N	N	N	N	C
- 100,001 to 800,000 square feet of building floor area per lot	N	N	N	C***	C
- 100,000 square feet or less of building floor area per lot	P	N	N	P	P
Warehousing or Storage as an on-site accessory use to a lawful principal use	P	P****	P	P	P
Welding	P	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	P	SE	P	P	P
F. ACCESSORY USES					
See list of additional permitted uses in Sections 302 and 403, such as "Residential Accessory Structure or Use". See Additional Requirements in Section 603 for Specific Accessory Uses.					
Bus Passenger Shelter, which may include an advertising sign (See 603)	P	P	P	P	P
Composting, other than leaves, vegetation or materials generated on-site which are permitted by right	N	N	N	SE	P
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P
Day Care (See 603) as accessory to a lawful dwelling, of the following number of persons, in addition to children or grandchildren of the on-site caregiver:					
– Day care of a maximum of 3 persons. This use does not need a zoning permit.	P	P	P	P	P
– Group Day Care Home (7 to 12 persons)	P	P	P	P	N
– Family Day Care Home (4 to 6 persons)	P	P	P	P	N
Donation Bin, Outdoor (See 603)	P	P	P	P	P
Furnace, Outdoor (See 603, including setbacks from buildings)	N	N	N	P	P
Home Occupation, General or Low Impact (See 603)	P	P	P	P	P
Outdoor Storage and/or Display as accessory to a business use (See buffer yard provisions) (See 603)	P	P*	P	P	P

* = A maximum of 25% of lot shall be used for outdoor storage.
** = See limits on hours of operation in Section 405.
*** = New building(s) including a total of 200,000 square feet of building floor area or more of such use per lot are limited to locations south of U.S. Route 6.
**** = Limited to building floor area that existed prior to the adoption date of this Ordinance.
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS IC	TC**	MU	LI	GI
F. ACCESSORY USES (cont.)					
Outdoor Storage and/or Display as principal use, other than uses listed separately in this table (See buffer yard provisions in Section 1303)	N	N	N	SE	P
Retail Sales as Accessory to a Principal Industrial Use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the floor area of the principal use	P	P	P	P	P
Short-Term Rental of an Existing Dwelling (See 603)	P	P	P	P	P
Temporary Commercial Uses - See Section 1403.G., as well as "Food Truck" which is listed separately.					
Unit for Care of Relative (See 603) on the lot of an existing dwelling	P	P	P	N	N
G. MISCELLANEOUS USES					
Clean Fill (See 603)	P	P	P	P	P
Crop Farming, Community Garden, Greenhouse, or Hydroponics	P	P	P	P	P
Forestry (See 602)	P	P	P	P	P
Livestock or Poultry, Raising of (See 602)	N	N	SE	P	P
Mushroom Houses, for production of mushrooms	N	N	N	N	SE
Nature Preserve/Environmental Education Center	P	P	P	P	P
Parking Lot or Structure as an accessory or principal use:					
- parking of trucks that haul putrescent or hazardous waste	N	N	N	N	SE
- overnight parking that primarily serves 3 or more tractor-trailer trucks and/or their trailers	P*	N	N	P	P
- other than above, such as municipal parking lots and customary accessory parking for on-site uses.	P	P	P	P	P
Recycling Collection Center (See 602, which further limits locations and requires plant screening)	P	N	N	P***	P
Solar Energy Collection Systems					
– Which cover areas equal to a maximum of 20 percent of the lot area, plus any areas on top of building roofs and parking areas	P	P	P	P	P
– Which cover larger areas than above, and which include evergreen vegetation with an initial height of 3 feet between ground-mounted solar collectors and any abutting dwelling	P	N	P	P	P
Wastewater Treatment Plant (other than customarily accessory pre-treatment facilities)	N	N	N	N	SE
Wind turbines:					
– Maximum of one on a lot that is an accessory use (See 603)	C	N	C	P	P
– One or more wind turbines, other than above (See 602))	N	N	N	C	C
Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 10	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer) C = Conditional use
SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
(See 602 or 603) = See Additional Requirements in Sections 602 or 603
* = Minimum lot area of 3 acres. ** = See limits on hours of operation in Section 405.
*** = This use shall be limited to lots south of U.S. Route 6.

403. **Permitted Accessory Uses.**

A. See Section 302 for accessory uses allowed in all districts.

B. Permitted Accessory Uses to Business and Institutional Uses**.** The following are permitted by right accessory uses only to an allowed commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:
(1) Storage of fuels for on-site use or to fuel company vehicles.
(2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
(a) Internal cafeteria without drive-through service,
(b) Day care center or
(c) Recreational facilities.
(3) Automatic Transaction Machine

404. **Uses Not Specifically Regulated.** Section 205 shall apply.

405. **Limits on Late Night Hours of Operation in the TC District and for Nonconforming Commercial Uses in Residential Districts.**

A. A commercial use or membership club in the TC Districts shall not be open to customers or patrons for business purposes between the hours of 2 AM and 6 AM unless it was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance. A commercial use or membership club may be approved to be open after 2 AM as a special exception use if the applicant proves to the satisfaction of the Zoning Hearing Board that such business hours will not negatively impact dwellings in the vicinity.

B. A non-conforming commercial use or membership club in a Residential District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM, unless the use was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance.

406. **Age-Qualified Housing.**

A. These provisions shall apply if Age-Qualified Housing is used to allow an increased density under this Ordinance under Article 5 of this Ordinance.

B. Age-Qualified Housing shall involve all housing units within a subdivision or land development being permanently limited by deed and by any lease to occupancy by at least one person age 55 and older, and with no resident under age 18, except that a person under age 18 may temporarily stay within a housing unit for a total of less than 60 days per calendar year. An applicant alternatively may decide to use an age limit of 62 or above, or a similar age limit authorized by Federal law.

C. The applicant may also decide to permit one or more types of persons classified by the Social Security Administration as disabled to reside in Age-Qualified Housing, regardless of their age, provided it is structured in a way that complies with Federal law.

D. A primary enforcement mechanism shall be established by the applicant, such as through the owner of a rental development or by a homeowner association. The Borough shall be provided with secondary enforcement authority that is intended to be used if such primary mechanism fails to comply with its enforcement responsibilities. If the Borough needs to utilize its enforcement authority, the Borough's enforcement costs shall be paid by the entity with the primary enforcement responsibility.

E. If a household met the age qualifications at the time of initial occupancy of a dwelling unit, members of a household are not required to leave if a person aged 55 or older later dies or leaves the household, such as because of divorce, separation or need for nursing care.

F. An Age-Qualified Housing Development may use a condominium or similar form of ownership, with most yard areas being commonly maintained. In such case, the buildings shall be laid out in such a manner so that they would have been able to comply with the dimensional requirements for each lot, even though fee-simple lot lines are not required.

G. Minimum side yards may be reduced for lots within the interior of the development, provided that a minimum 10 feet separation distance is maintained between residential buildings.

H. A minimum of 15 percent of the total land area of the development shall be provided as recreation area for use by the residents, which shall include landscaped trails and which may include other non-commercial recreation facilities. Stormwater areas may count towards a portion of this requirement if they are designed and maintained to be scenic or recreational assets.

ARTICLE 5
DIMENSIONAL REQUIREMENTS IN EACH DISTRICT

501. Dimensional Requirements. The following dimensional requirements shall apply for the specified Zoning District, unless a more restrictive requirement for a specific use is required by Article 6 or another provision of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Article 15. Each dwelling unit and each principal building shall be served by both public water and public sewer service.

501.A. **Dimensional Requirements for Primarily Residential Districts:**

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
1. R-1 Low Density Residential District: a) Single family detached dwelling b) Other allowed principal use All dwelling units shall have a minimum width of 18 feet. If all housing within a development meets the Age-Qualified Housing Standards of Section 406, the minimum lot area shall be reduced to 6,000 square feet and the minimum lot width shall be reduced to 50 feet, and the maximum building coverage may be increased to 40 percent.	a) 10,000 b) 15,000	a) 80 b) 100	All uses: 40 feet or 3 stories, whichever is more restrictive	All uses: 25. On a corner lot, 15 along the second street.	All uses: 30	a) 8 b) 12	All uses: 30%	All uses: 45%

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
2. R-2 Medium Density Residential District: a) Single family detached dwelling b) Single family semi-detached dwelling or Two Family dwelling c) Townhouses (or Multi-Family Dwellings if within an Age-Qualified Development) d) Other allowed principal use If all housing within a development meets the Age-Qualified Housing Development Standards of Section 406, the minimum lot area or minimum average lot area per dwelling unit may be reduced by 2,000 square feet. All dwelling units shall have a minimum width of 18 feet.	a) 7,000 b) 6,000 per dwel-ling unit c) Average of 6,000 per dwel-ling unit [Note C, K] d) 12,000	a) 70 b) 50 per dwelling unit c) 24 per townhouse d) 80	All uses: 40 feet or 3 stories, whichever is more restrictive	All uses: 20 [Note B]. On a corner lot, 15 along the 2nd street.	All uses: 25	a) 8 b) 8 c) 8 d) 12	All uses: 45%	All uses: 60%

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
3. R-3 High Density Residential District: [Note B] a) Allowed dwelling If all housing within a development meets the Age-Qualified Housing Development Standards of Section 406, the minimum average lot area per dwelling unit may be reduced to 3,000 square feet. If the Age-Qualified Housing Development is limited to persons age 62 or older and the physically disabled, the minimum average lot area per dwelling unit may be reduced to 2,000 square feet. b) Other allowed principal use	a) Mini-mum average lot area of 5,000 per dwelling unit [Note C]. [Note K]. [Note F]. b) 10,000	a) 40 per dwelling unit, except 22 feet per townhouse [Note B], and 60 for multi-family/ apartments b) 60	All uses: 40 feet or 3 stories, whichever is more restrictive, except 55 feet or 4 stories on a lot of more than one acre, that is Age-Qualified Housing, in compliance with Sec-tion 406.	[Note B] All uses: 15. On a corner lot, 15 along the second street.	All uses: 25	a) 8, except 15 for a multi-family building from other housing types b) 15	All uses: 50%	All uses: 70%

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
4. C-R Conservation - Recreation District.	43,560	150	All uses: 40 feet or 3 stories, whichever is more restrictive	25	25	15	15%	20%

501.B. Dimensional Requirements for Primarily Non-Residential Districts:

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
5. IC Interchange Commercial District: a) Allowed non-residential uses. b) Manufactured/mobile home park c) Allowed residential uses	a) 43,560 b) 43,560, with a minimum average of 9,000 sq. ft. per dwelling unit (Note C) c) 43,560	All uses: 150	a) 5 stories or 70 feet, whichever is more restrictive b) 35 c) 40	a) 25, except 40 feet if parking spaces are provided between the build-ing and the street curbline. b) 50 c) 40	a) 30 [Note I] b) 50 for the perimeter, with 20 feet separa-tion between dwellings with the park c) 25	a) 20 [Note I] b) 50 for the perimeter, with 20 feet separa-tion between dwellings with the park c) 20	All uses: 50%	All uses: 75%

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Minimum Front Yard Setback (ft.) [Note D]**	**Minimum Rear Yard Setback (ft.) [Note F]**	**Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
6. TC Town Center District: See also maximum building setback in Section 504.	6,000 for the lot, plus minimum average of 3,000 sq. ft. per dwelling unit [Note C]	40	4 stories or 55 feet, whichever is more restrictive	0. See Section 504. No new off-street parking spaces shall be allowed between the street and the front walls of the nearest building.	20 [Note I]	3 [Note J]	70%	90%

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
7. MU Mixed Use District: a) Allowed Non-residential Uses b) Allowed Residential Uses shall meet the standards for the R-2 District	a) 43,560	a) 150 [Note B]	All uses: 3 stories or 40 feet.	a) 15, except 30 if parking spaces are provided in the front yard.	a) 25 [Note I]	a) 20 [Note I]	a) 40%	b) 75%

Zoning District: Type of Use	**Minimum Lot Area (sq.ft.)**	**Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]**	**Maximum Structure Height (ft.) (See also Section 502)**	**Mini-mum Front Yard Setback (ft.) [Note D]**	**Mini-mum Rear Yard Setback (ft.) [Note F]**	**Mini-mum Side Yard Setback (each) (ft.) [Note F] [Note H]**	**Maximum Percent Building Coverage [Note E]**	**Maximum Percent Impervious Coverage [Note E]**
8. LI Light Industrial/Business Park or GI General Industrial Districts:	43,560	150	4 stories or 50 feet, whichever is more restrictive	25	30 [Note I]	30 [Note I]	50%	70%

Section 501. Continued: Notes for the Above Table:

[Note A] = The minimum lot width is measured at the part of the lot where the minimum building front yard setback applies. If a building is placed further back from the street, it will not change where the lot width is measured.

[Note B] = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway, unless the Borough determines that another access is more appropriate as part of a subdivision or land development approval. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways, unless a shared parking court is approved with a 20 feet paving setback from the dwellings.

[Note C] = The average density provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each single family, semi-detached or townhouse dwelling shall still be able to meet the minimum front yard, side yard, rear yard and lot width as if each dwelling was on its own fee simple lot.

– The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area to determine density: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.

[Note D] = Setbacks shall be measured from the legal street right-of-way, after any subdivision or land development has been completed. An unenclosed front porch or deck may encroach up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof or awning. Steps, stoops and ramps for persons with disabilities may also encroach into any setback as necessary to provide access, which may be beyond 10 feet.

[Note E] = For townhouses and semi-detached dwellings, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.

[Note F] = The following exceptions shall apply:

– For accessory structures and uses, see Section 503. below.

– Structures shall not obstruct minimum sight clearance at intersections, as provided in Section 1303.C.

– See Section 1305.C.2.D.regarding extension of nonconforming setbacks.

– See Section 504.C below regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

[Note G] = Abutting lots in common ownership may be calculated together to show compliance with the maximum coverages.

[Note H] = Except 0 feet at the shared lot line of lawfully attached dwellings, such as along the lot line of semi-detached dwellings or townhouses, or where a new attached building is constructed that replaces a previous building that was attached to the same adjacent building, or where the Borough approves adjacent business buildings to be constructed on a lot line as part of a subdivision or land development.

[Note I] = Except 20 feet side and 25 feet rear for a principal business from a lot in a Residential District that is occupied by a principal dwelling that is not in common ownership. Such side or rear yard shall be increased to 60 feet from such a lot for any building area or land area used for manufacturing, bulk storage of highly hazardous substances, industrial outdoor processing or a tractor-trailer truck loading dock.

[Note J] = A minimum 3 feet building setback is required from an approximately parallel door or window of a building on another lot, unless a larger setback is required under the Construction Code.

[Note K] = Individual lots may be approved with smaller condominium parcels as part of a unified subdivision or land development plan, provided the average density is met.

Abbreviations: sq. ft. = square feet.

C. Additional Setbacks from Pipelines and Natural Gas Compressor Stations. See Section 1309.

502. **Height Exceptions**. Section 501 establishes maximum heights for each District. The following provisions shall also apply:

A. Any accessory structure or building shall have a maximum height of one habitable story or 20 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.

B. The maximum height requirements shall not apply to cranes or similar mechanical devices.

C. A minimum building height of 20 feet shall apply for any new principal building in the TC District.

D. The maximum structure height specified for each District shall not apply to the following, provided there is compliance with other provisions of this Ordinance: antenna and communications towers, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, utility lines and poles and towers, elevator shafts, agricultural silos and conveyer equipment, rooftop stairways, wind turbines that comply with this Ordinance including the height limits in Sections 602 and 603, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, smokestacks of up to 300 total feet above the surrounding ground level, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

1. See also definition of "Height" in Section 1502.

2. Note - Federal Aviation Administration review may be required for tall structures (such as 200 or more feet above the ground level) to determine whether lighting is needed and whether they would be an obstruction to aviation.

E. Solar energy collection devices may exceed the maximum building height by 6 feet, provided the devices do not extend more than 1 foot above the top of the peak of a pitched residential roof.

F. If the average existing ground level under a building is increased in elevation by more than 30 feet, then conditional use approval is required.

503. **Accessory Structures and Uses.**

A. Accessory structures and uses shall not be placed within a minimum front yard (including both front yards on a corner lot) and shall meet the minimum yard setbacks provided for in Section 220, unless otherwise provided for in this Ordinance, and except as allowed in the following subsections.

B. The minimum side and rear yard setback for a permitted one story detached structure with a height of less than 15 feet that is accessory to a dwelling shall be 3 feet along a lot line that is not a street right-of-way, except in the following cases:

(1) A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the 3 feet setback on a lot line where the dwellings are not attached, and shall not be placed less than 3 feet from an approximately parallel door or window of another dwelling.

(2) A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.

(3) See Section 403 for swimming pools.

(4) A vehicle garage that is accessory to a dwelling shall have a sufficient setback along an alley which provide access to the garage, unless a larger setback is established by another section of this Ordinance.

(5) No accessory building and no swimming pool shall be allowed between the principal building and the front lot line.

C. The minimum side and rear yard setback for an accessory storage shed that is not accessory to a dwelling shall be 10 feet, except it shall be 3 feet for a lot line abutting a principal business use. These reduced setbacks shall only apply for storage sheds of less than 15 feet in height that are used to store types of materials, substances and equipment that would be typically found on a residential property, such as lawn mowers.

504. **Maximum Building Setback in TC District; Reduction in Front Setbacks.**

A. In the TC District, where more than 70 percent of the lots on the same side of a block are already developed with buildings, and where the Zoning Officer determines that more than 70 percent of such buildings have a front yard setback of 30 feet or less along such side of the block, then if a new principal building is proposed, then at least a portion of the front building wall of a new principal building shall have a front yard building setback that is not more than 5 feet larger and not less than 5 feet smaller than the average front yard setback of the existing buildings that have a setback of less than 30 feet. The maximum front yard setback may be met with an attached front porch or a building wall. A maximum building setback shall not apply where the area between the building and the curb is occupied by an outdoor café or pedestrian plaza.

B. This Section B. shall apply when Section A. does not apply. In the TC District, any new principal building shall have a maximum front building setback along a street of 25 feet. This maximum building setback shall not apply in areas occupied by an outdoor café or pedestrian plaza. The intent is to have new parking to the side and rear of the building. This provision shall not prevent the construction of an access driveway in the front. On a corner lot, this provision shall only apply to one of the two abutting public streets.

C. Where a subject lot has 2 abutting lots on the same side of the street along the same block, and both of these lots have an existing front yard building setback that is smaller than the setback that would be required on the subject lot, then the subject lot may have a minimum front yard setback that is equal to the average of those 2 abutting lots.

505. **Dimensional Provisions for Solar Energy Collection Devices.**

A. Articles 3 lists where solar energy collection devices are allowed, and the maximum percentage of lot area that can be covered.

B. See Section 502.E. which allows solar energy collection devices to exceed the maximum height. Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.

The photo to the right shows an example of a solar shading extension of a building roof that is intended to provide adjustable screening of the sun, to cool a building on hot days and warm a building on cold days.



C. Solar energy collection devices that are not located on a building roof shall not: (1) be located in a minimum front yard and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.

D. When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize solar energy collection devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices on the adjacent lot.

E. Where solar energy collection devices are being placed on a building roof, it is requested that they be setback a minimum of 3 feet from the side and bottom edges of the roof to allow for safer access by and less risk of electrical shock to emergency responders.

ARTICLE 6
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

601. **Applicability.**

A. This Article establishes additional requirements for certain specific uses, in addition to the other requirements of this Ordinance. Where two requirements directly conflict regarding the same matter, the stricter requirement upon use or development shall apply. The regulations of this Article 6 for a particular use shall apply, even if a particular use is approved as an accessory use but is only listed under uses that are typically principal uses, or visa versa.

B. For uses allowed within a specific Zoning District as "Special Exception Uses," see also the procedures and standards in Section 1216, as well as Section 1217 for "Conditional Uses." "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.

602. **Additional Requirements for Specific Uses that are Typically Principal Uses.**

A. Each of the following uses shall meet all of the following requirements for that use:

(1) **Adult Use**. (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)

(a) Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.

1. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
2. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
3. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.

(b) An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:

1. 500 lineal feet from an existing dwelling on another lot,
2. 300 lineal feet from the lot line of any lot in a Residential Zoning District, and
3. 500 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.

(c) No Adult Use shall be located within 250 lineal feet from any existing "Adult Use."
(d) A 50 feet buffer yard shall be provided along the side and rear lot lines in compliance with Section 1303. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
(e) No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
(f) No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
(g) Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
(h) An Adult Use shall be prohibited in all Districts except where specifically allowed under Article 4. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
(i) A minimum lot area of 30,000 square feet is required.
(j) For public health reasons, private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
(k) No use may include live actual or simulated sex acts nor any sexual contact between employees and entertainers nor or between employees or entertainers and customers.
(l) Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor. A use that involves massages by State-licensed massage therapists shall be considered a Personal Service Use and not a Massage Parlor.
(m) Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number, official mailing address and email address shall be provided where the on-site manager can be reached during the hours when the business is open. The application shall also include contact information, including the legal name, business phone number and official mailing address for at least one individual who is the primary owner, a corporate official, a partner or the largest shareholder of the business. Such information shall be updated in writing to the Zoning Officer within one business day after it changes.
(n) The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the Borough allow the sale of alcohol during later hours, the Adult Uses shall still cease at midnight.
(o) As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
(p) An Adult Use shall be open to inspections during business hours by Borough zoning and code enforcement staff, including health inspectors.

(2) **Adult Day Care Center**.
(a) The use shall be fully licensed by the State, if required by the State.
(b) The use shall include constant supervision during all hours of operation.
(c) The use shall not meet the definition in Section 1301 of a "treatment center".

(3) **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). If the use is determined to be allowed under State law, then the applicant shall be a special exception use that is only allowed in the GI district. In such case, the applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate security and noise control measures.

(4) **Animal Cemetery**.
- (a) All the regulations for a "Cemetery" in this Section shall apply.
- (b) The applicant shall prove to the satisfaction of the Zoning Officer (or the Zoning Hearing Board in the case of a special exception use) that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
- (c) A system to fund perpetual maintenance shall be established, such as setting aside 15 percent of all lot sales for that purpose.

(5) **Animal Day Care.**
- (a) This use shall involve providing temporary care and recreation for multiple dogs and household pets. This use shall primarily involve housing the animals indoors within an enclosed air conditioned building that is sound-proofed if the animals will be within 300 feet from an existing dwelling on another lot.
- (b) This use shall not primarily involve the keeping of animals for more than 24 hours, unless the requirements are also met for a Kennel.
- (c) The applicant shall describe in writing measures that will be used to avoid noise or odor nuisances for occupants of neighboring uses.
- (d) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- (e) The applicant shall describe how outdoor runs will or will not be used during various hours.

(6) **Apartments** - See "Townhouses and Apartments" and "Conversions" in this Section.

(7) **Assisted Living Facility/ Personal Care Home.** - The standards for "Nursing Homes" in this section shall apply.

(8) **Auto, Boat or Mobile/ Manufactured Home Sales.**
- (a) No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 1303.
- (b) See light and glare standards in Section 1007.
- (c) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- (d) This use shall encompass sales and rental of all types of motor vehicles and trailers, including recreational vehicles.

(9) **Auto Repair Garage.**
- (a) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a "residential lot line."

(b) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 8. See buffer yard requirements in Section 1303.
(c) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way. Motor vehicles shall not be parked on a public sidewalk.
(d) Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
(e) Any "junk vehicle" (as defined by Section 1502) shall not be kept for more than 60 days within view of a public street or a dwelling, unless it is actively under repair or is awaiting resolution of an insurance claim or an accident investigation. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, except for vehicles that are is actively under repair, or are awaiting resolution of an insurance claim or an accident investigation. If a greater number of junk vehicles is kept on a lot than is allowed by this section, the use shall be regulated as a "junkyard."
(f) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.

(10) **Auto Service Station.**
(a) See definition of this term and "Auto Repair Garage" in Section 1502. The uses may be combined, if the requirements for each are met.
(b) All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
(c) Fuel pumps shall meet side yard principal building setback requirements.
(d) The regulations for "Auto Repair Garage" in the above subsection shall also apply to an "Auto Service Station."
(e) The use may include a "convenience store" if the requirements for such use are also met.
(f) A canopy shall be permitted over the gasoline pumps with a minimum front setback of 15 feet from each street right-of-way line.
1. Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) signs may be attached to the canopy in place of part of the allowed freestanding or wall sign area for the property, and b) necessary warning signs.
(g) Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and 50 feet from any lot line of a lot occupied by a residential use.
(h) Gas station canopies must be designed with luminaries recessed under the canopy to minimize light pollution onto streets and other lots. See also limits on lot line lighting in Section 1007.
(i) Gas stations may include a car wash if the requirements for a car wash are also met.

(11) **Bed and Breakfast Inn.**
(a) Within a Residential District (if permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
(b) One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the Bed and Breakfast Inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
(c) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square

feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.

(d) The use shall have a residential or historical appearance.
(e) The use shall be operated and/or managed by permanent residents of the lot.
(f) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
(g) No guest shall reside in the Bed and Breakfast Inn for more than 30 total days in any 90 day period.

(12) **Boarding House (includes Rooming House).**

(a) Minimum lot area - 20,000 square feet.
(b) Minimum side yard building setback - 15 feet each side
(c) Minimum lot width - 100 feet
(d) Maximum density - 1 bedroom per 3,000 square feet of lot area; but in no case shall the lot serve a total of more than 20 persons.
(e) Each bedroom shall be limited to 2 persons each.
(f) A buffer yard with screening meeting Section 1303 shall be provided between any boarding house building and any abutting dwelling.
(g) Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
(h) Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
(i) Rooms shall be rented for a minimum period of 5 consecutive days.
(j) If the use houses more than 8 persons, a resident manager shall be required, who shall be authorized to accept code enforcement notices.

(13) **BYOB Club.**

(a) The use shall submit a security plan, which shall be found acceptable by the Zoning Hearing Board.
(b) As a condition of approval, the applicant shall regularly collect litter from the outside of the premises and adjacent sidewalks during every day that the use is open. The applicant shall maintain and regularly empty a trash receptacle near a building exit.
(c) The applicant shall provide evidence that the use will be operated in compliance with State law. Such use shall not operate between the hours of 2 AM and 6 AM.

(14) **Car Wash.**

(a) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
(b) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
(c) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards or runoff problems. Wash water shall be properly collected and shall not flow into a waterway. To the maximum extent feasible, water should be recycled.
(d) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(15) **Cemetery.**

(a) Minimum lot area- 1.5 acre, which may be on the same lot as an allowed place of worship.

(b) All structures and graves shall be setback a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 10 feet from any other lot line. Any structures with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.

(c) No grave sites and no buildings shall be located within the 100-year floodplain.

(d) The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

(e) The spreading or internment of cremated remains are not regulated by this Ordinance, except structures more than 5 feet tall for the internment of remains of 10 or more persons shall be considered a cemetery. The spreading of cremated remains shall only occur with permission of the property-owner.

(f) If burials of humans occur outside of a well-established cemetery, the locations of the burials shall be recorded on the deed.

(g) The applicant shall register the cemetery in compliance with State regulations.

(h) If burial vaults will not be required, the applicant shall describe methods that will be used to prevent subsidence.

(16) **Commercial Communications Antennae/Tower as principal or accessory use.**

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

1. In any district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached.
    a. The antenna shall be attached to one of the following existing lawful structures:
        (1) a principal agricultural building or silo,
        (2) an electric high voltage transmission tower,
        (3) an existing lawful commercial communications tower,
        (4) a fire station or steeple or bell tower of a place of worship,
        (5) a water tower, or
        (6) an existing lawful commercial or industrial building.
    b. A new antenna shall not be placed above a child day center, primary or secondary school or residential building.
2. An antenna that extends between 20 and 40 feet from the structure to which it is attached shall only be allowed in a Commercial or Industrial District. Such antenna shall not be attached to a dwelling. In such case, the antennae shall be setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
3. New Antenna Attached to Poles Within Street Rights-of-way.
    a. Within the limits of federal regulations, the Borough may establish a fee schedule and approval process for poles that are under the control of the Borough and/or for the use of a Borough right-of-way.
    b. An antenna may be placed on a pre-existing utility pole or street light pole, provided there is an agreement with the owner of such pole and the antenna does not conflict with existing uses on the pole.
    c. If existing poles are not suitable, a new pole to support the antenna may be installed in a commercial or industrial district.

d. A new pole (other than the replacement of an existing pole of similar pole height) shall not be placed in the right-of-way abutting a residential zoning district for the primary purpose of supporting a communications antenna.

e. A new pole or utility cabinet shall not be installed in a location where it would obstruct pedestrian, wheelchair or vehicle access or obstruct safe distances at intersections.

f. An existing street light or utility line pole may be replaced with a new pole to support an antenna, provided the total height of the pole and the antenna does not exceed 45 feet above the ground level in a residential or TC district, or 65 feet in another district.

4. The owner of a pole that was installed to hold communications antenna shall relocate the pole within 60 days after receiving written notification from the Borough that there is a need for the relocation because of a public improvement within a street right-of-way, such as widening of a road, or because a right-of-way is being vacated.

(b) Any commercial communications antenna/tower that does not meet Section "(a)" above (such as a new freestanding tower) shall only be allowed where specifically authorized in Articles 3 and 4, and in compliance with the following additional regulations:

1. Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Borough may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
2. A new tower, other than a tower on a lot of an emergency services station, shall be setback a minimum horizontal distance equal to its total height from any lot used for residential purposes.
3. A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
4. See structural and wind resistence requirements of the Construction Code.
5. The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Borough.
6. An applicant for a new commercial communications tower shall provide evidence to the Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
7. A maximum total height of 200 feet above the ground shall apply in a Commercial or Industrial District and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
8. The application shall describe any proposed lighting. The Board may restrict the type of lighting used, provided it does not conflict with FAA requirements.
9. A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example,

monopole designs or designs worked into a flag pole are preferred over lattice designs.

10. Any new tower shall be designed to accommodate equipment for more than one provider.

(c) Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:

1. To protect property values.
2. To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
3. To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.

(d) A tower/antenna that is intended to primarily serve emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station or the Borough Building, shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.

(e) Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.

(f) Accessory utility buildings shall have a maximum height of 10 feet.

(g) Antennae and towers shall comply with any Airport Approach zoning regulations.

(h) Once a communications tower has been approved, antenna and equipment may be placed or replaced on the tower as a permitted by right use, provided the total height is not increased above the previously approved height.

(i) See time limits in federal regulations for issuance of a permit for certain antenna after a complete application has been submitted.

(17) **Conversion of an Existing Dwelling into Additional Dwelling Units**.

(a) See Articles 3 and 4, which establish where conversions are allowed.

(b) The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:

1. The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
2. The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.

(c) A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.

(d) A maximum total of 4 dwelling units may be developed per lot, unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.

(e) Each unit shall meet the definition of a dwelling unit in Section 1502 and shall meet the minimum floor area requirements of Section 801.

(18) **Conversion of an Existing Principal Institutional Building or a Principal Industrial Building into Multi-Family Dwellings or Live Work Units.**

(a) A minimum average of 800 square feet of total existing building floor area that will be converted into residential use shall be required for each dwelling unit. A minimum of 500 square feet of floor area shall apply within each dwelling unit. A minimum square footage of lot area per dwelling unit shall not apply for this use.

(b) If the applicant proves to the satisfaction that modifications are needed to parking, loading, density or setback requirements to reasonably allow the adaptive reuse of an existing principal building, the Zoning Hearing Board shall have the authority to approve such modifications as a condition of the special exception approval.

(c) The Zoning Hearing Board shall consider compatibility with any adjacent residential neighborhood in considering approval of such modifications, and the availability or shortage of on-street parking spaces and the anticipated need for parking in case of a parking modification. If the applicant is requesting a parking modification, the applicant shall provide a written analysis of available parking spaces in the vicinity during a time of peak parking demand.

(19) **Crematorium**

(a) Minimum lot area - 1.5 acre. A crematorium may be on the same lot as a cemetery, provided the requirements for each are met.

(b) A crematorium, where allowed by Articles 3 or 4, shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

(c) Borough zoning approval is conditioned upon receiving and holding a valid DEP Air Quality Permit. The Zoning Officer shall be notified in writing by the operator of the use within one business day if such State permit is ever suspended or revoked or found to be out of compliance.

(20) **Criminal Halfway Houses.** (This term also includes a Day Reporting Center where persons under the jurisdiction of the criminal justice system must report on a daily basis but which is not residential).

(a) See definition in Section 1502.

(b) The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception use approval.

(c) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

(d) The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(e) A use involving housing of 2 or more persons who are required to register their place of residence under Megan's Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.

(f) This use shall be separated by a minimum of 1,000 feet from any existing Criminal Halfway House or Day Reporting Center.

(21) **Day Care Center, Child.**

(a) See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 603.
(b) The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Human Services registration certificate or license.
(c) At least one convenient space for the safe loading and unloading of children shall be provided, unless the Borough may approve an on-street loading space.
(d) The use shall include secure fencing with a height between 4 and 6.5 feet around outdoor play areas. The outdoor play area shall include a minimum of 1,000 square feet of land area for a Day Care Center of up to 20 children, which shall be increased to 2,000 square feet for larger numbers of children.
(e) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
(f) A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
(g) See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.

(22) **Distribution Center**. See Warehousing, Storage or Distribution Center as a Principal Use or Trucking Company Terminal in this Section.

(23) **Dog Day Care** - See Animal Day Care

(24) **Electric Power Generating Plant.**
(a) Cooling towers, smokestacks and other structures serving an Electric Power Generating Plant may exceed the maximum height limit.
(b) An Electric Power Generating Plant is limited to the GI district and shall need conditional use approval. If there is a significant expansion in the plant, such as the addition of another turbine, the expansion shall need conditional use approval.
(c) Any Electric Power Generating Plant shall be set back a minimum of 2,000 feet from any other Electric Power Generating Plant.

(25) **Forestry**.
(a) The following regulations shall apply if forestry involves a total of more than 20,000 square feet of land area in any two year period:
1. A soil and erosion control plan shall be submitted and carried out.
2. Clearcutting shall not occur on slopes of greater than 25 percent natural slope or within 50 feet of the top of the bank of a perennial waterway, except for land areas where a specific land use, street or driveway or utility project has received Borough zoning approval and requires the clearcutting to occur.

(26) **Gas and Oil Wells as a Principal or Accessory Use.**
(a) Gas and Oil Wells shall only be allowed where provided under Articles 3 or 4.
(b) A minimum setback of 300 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related

above-ground equipment to any street right-of-way or any lot line, unless a written waiver is provided to the Zoning Officer by the principal owner of record of the adjacent lot.

(c) A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.

(d) A minimum 4 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well.

(e) If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks on the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures.

(f) A Zoning Permit shall be required for a Gas or Oil Well. As part of the permit application, the applicant shall provide a written description of the impacts upon roads, with an emphasis upon weight of vehicles that will be used. See bonding requirements in the Vehicle Code or other applicable State law.

(27) **Group Homes**. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

(a) The use shall meet the definition in Section 1502.

(b) A Group Home shall not include any use meeting the definition of a "Treatment Center."

(c) A Group Home shall include the housing of persons who are functioning as a common household, with a maximum of 4 unrelated residents by right and up to 6 unrelated persons by special exception, except:

1. if a more restrictive requirement is established by another Borough requirement;
2. the number of bona fide paid professional staff shall not count towards such maximum; and
3. as may be approved by the Zoning Hearing Board under Section 1411.D.5, which allows persons to request a reasonable accommodation to the number of unrelated persons living together.

(d) The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a Federal, State or County human service agency, then this requirement shall have been deemed to be met. Otherwise, if any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

(e) The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer, and shall notify the Zoning Officer in writing within 2 business days if such licensing or certification expires or is withdrawn.

(f) The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. If this information should change, such as an intent to serve a different type of treatment/care, the applicant shall notify the Zoning Officer in writing within 2 business days.

(g) Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.

(h) If a Group Home is in a Residential District, an appearance shall be maintained that is closely similar to nearby dwellings, and no exterior sign shall identify the use.

(i) The persons living on-site shall function as a common household unit, with persons typically residing within the home for periods exceeding 30 days.

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

(k) An off-street parking space shall be provided for the largest vehicle that serves the use, in addition to parking required by Article 11.
(l) The building shall have lighted exit signs, emergency lighting and inter-connected smoke and fire alarms.
(m) Note - For a use that does not meet these standards, see the requirements for Rooming Houses, Treatment Centers or Criminal Halfway Houses.

(28) **Heliport**.
(a) The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
(b) For a special exception use, the Zoning Hearing Board may place conditions on the maximum size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
(c) Helicopter landings and take-offs for emergency medical purposes are not regulated by this Ordinance.

(29) **Hotel or Motel**.
(a) See definitions in Section 1502, which distinguish a hotel/motel from a boarding house.
(b) Buildings and tractor-trailer truck parking shall be kept a minimum of 50 feet from any "residential lot line."

(30) **Junkyard**. (includes automobile salvage yard)
(a) Storage of garbage is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
(b) Outdoor storage of junk shall be at least: a) 100 feet from the lot line of any dwelling and b) 50 feet from any other lot line and the existing right-of-way of any public street.
(c) The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
(d) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 10 foot wide buffer yard which complies with Section 1303. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
(e) Burning or incineration is prohibited.
(f) All gasoline, antifreeze and oil shall be drained from all vehicles that are stored on-site, and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
(g) Lot area - 3 acres minimum; 10 acres maximum.
(h) Tires - see the "Outdoor Storage and Display" standards in the following section.
(i) Any storage of junk shall be maintained a minimum distance of 100 feet from the average water level of any waterway, and shall be kept out of a drainage swale.

(31) **Kennel** (which may include an animal shelter)

(a) All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling.
(b) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
(c) The applicant shall describe how outdoor runs will or will not be used during late night hours.
(d) See State law regulating kennels.
(e) Minimum lot area - 1 acre.
(f) A use meeting the requirements for a Kennel may also offer "Dog Day Care."

(32) **Live Work Unit.**

(a) A Live Work Unit is one building space that is used both for residential and for business space, such as for an office or an artist's studio. The business use shall be a use that is listed as permitted by right in the Zoning District. The unit shall be treated as a dwelling unit, except for allowed signs and minimum parking requirements for the portion of the space that is used for commercial purposes that may involve non-resident employees or customer traffic.
(b) If allowed in a Residential District, a minimum of 50 percent of the unit floor area shall be primarily used for residential purposes and a maximum of 3 persons shall work in the unit who do not reside within the unit.
(c) The operator of the business in the unit shall also be a permanent resident of the unit.

(33) **Livestock and Poultry, Raising of.**

(a) Minimum lot area - 3 acres. See also Pets, Keeping of in this Section.
(b) Any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in a Residential District, 2) 100 feet from an existing dwelling that is not within a Residential District, 3) 50 feet from all other exterior lot lines.
(c) Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
(d) Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
(e) The applicant shall describe in writing or on site plans the methods that will be used to address water pollution and insect and odor nuisances.
(f) If a setback applies for manure management facilities under State regulations, that setback shall apply. Otherwise, manure management facilities shall be setback a minimum of 100 feet from all lot lines.

(34) **Manufactured (Mobile) Homes**. The following additional requirements shall apply to a manufactured home placed on property after the adoption of this Ordinance:

(a) Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
(b) Each site shall be graded to provide a stable and well-drained area.
(c) Each home shall have hitch and tires removed.

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

(e) Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured (Mobile) Home Park. Provisions shall be provided for access to utility connections under the home.

(f) If the dwelling is outside of a Manufactured (Mobile) Home Park, then the front door of the dwelling shall face onto a street or be within 25 feet from a street right-of-way.

(35) **Manufactured (Mobile) Home Park.**

(a) See the requirements for Manufactured Home Park in the IC district in Article 5 of this Ordinance.

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

(c) All units within the Manufactured Home Park shall be serviced by the public sewage and public water supply systems.

(d) Buildings that are accessory to individual manufactured homes shall be allowed, provided they meet the minimum exterior setbacks provided in Article 5, and provided that they are setback a minimum of 15 feet from the home of a person who does not own the accessory building.

(e) A 20 feet wide perimeter planting area shall surrounding the Manufactured Home Park, except at approved street crossings. This planting area shall include a mix of trees and shrubs of various species and vegetated ground cover.

(36) **Medical Marijuana Dispensary**.

(a) The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.

(b) The use shall not have any outdoor activities, such as outdoor seating.

(c) The use shall not be open for business beyond the maximum hours of 8 AM and 8 PM.

(d) The use shall meet all other zoning requirements that would apply to a Retail Store.

(e) The use shall prove to the Zoning Officer that there will be sufficient security measures.

(37) **Medical Marijuana Grower/ Processor**.

(a) The use shall prove to the Zoning Officer that there will be sufficient security measures.

(b) The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 1,000 feet from a public park or playground, and 3) 1,000 feet from a residential district.

(c) The use also shall meet all of the same zoning requirements that would apply to a manufacturing use.

(d) The use shall be within a completely enclosed building, unless the applicant proves to the satisfaction of the Zoning Hearing Board that there will be sufficient odor controls without

such an enclosure. The applicant shall in writing describe measures that will be used to prevent odors from being smelled on other lots.

(38) **Membership Club**.

(a) See definition in Section 1502.

(b) Any active outdoor play areas shall be setback at least 25 feet from any abutting "residential lot line."

(c) This use shall not include an "After Hours Club."

(39) **Mineral Extraction.**

(a) The following additional requirements shall be met:

1. Information shall be submitted regarding the land reclamation and reuse plan of the area to be excavated.
2. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting a productive or beneficial future use.
3. A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Zoning Hearing Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
    a. New trees shall not be required where preserved trees will serve the same purpose.
4. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
    a. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
    b. 150 feet from a non-residential principal building, unless released by the owner thereof,
    c. 300 feet from the lot line of a dwelling,
5. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
6. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
7. Hours of Operation. The Zoning Hearing Board, as a condition of special exception use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
8. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
9. Prior to the initiation of mining activities in any area, the applicant shall provide proof to the Zoning Officer of having obtained all required permits and approvals, including a DEP mining permit and a NPDES permit, as applicable.

10. When earthen materials are being removed from a lot or a subdivision for sale, it shall be considered to be a mineral extraction use, unless the applicant has received Township approval for development of the site and the materials removal is necessary to allow that development.

(40) **Mobile/Manufactured Home**. See "Manufactured (Mobile) Home" in this Section.

(41) **Motor Vehicle Racetrack.**

(a) The racetrack and all areas used for the testing, repair, maintenance and warming up of vehicles shall be setback a minimum of 300 feet from any residential district or existing dwelling.

(b) Each vehicle shall have a properly functioning muffler to reduce noise.

(42) **Nursing Home, Personal Care Home or Assisted Living Center**.

(a) Licensing - See definitions in Section 1502.

(b) A minimum of 10 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas, gardens and/or pedestrian walks.

(43) **Outdoor Storage and Display**. The provisions listed for this use under Section 603 shall apply.

Pipeline Compressor Station - See Section 1309.

(44) **Place of Worship**.

(a) Minimum lot area- 25,000 square feet in a Residential District, unless a larger lot area is required by the applicable Zoning District. In any other District, a place of worship shall meet the normal minimum lot area for that District.

(b) A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable District.

(c) A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.

(d) A child or adult day care center shall be allowed as an accessory use.

(45) **Prison or Similar Correctional Institution**.

(a) The applicant shall prove to the satisfaction of the Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

(b) The Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(46) **Recreation, Outdoor**.

(a) All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.

(b) This term shall not include Publicly-Owned Recreation or a Motor Vehicle Racetrack.

(c) See provisions for a non-household swimming pool in this Section.

(d) Lighting, noise and glare control - See Section 1007.
(e) A 20 feet wide buffer yard in accordance with Section 1303 shall be required adjacent to an existing dwelling on another lot.

(47) **Recycling Collection Center**.
(a) This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
(b) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
(c) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
(d) A 20 feet wide buffer yard with screening as described in Section 1303 shall be provided between this use and any abutting "residential lot line."
(e) This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
(f) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
(g) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
(h) The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an Industrial District.

(48) **Residential Conversions**. See "Conversions of an Existing Building" within this Section.

(49) **Restaurant**.
(a) Screening of Dumpster and Waste Containers - See Section 806.
(b) See "Drive-Through" service in Section 603.
(c) Drive-through service shall only be provided where specifically permitted in the applicable District regulations.
(d) This use shall not include a “Tavern” or a “Nightclub”, unless the requirements for such use(s) are also met.

(50) **School, Public or Private, Primary or Secondary**.
(a) Minimum lot area - 1 acre in a Residential District. In any other District, the use shall meet the standard minimum lot area requirement for that District.
(b) No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
(c) The use shall not include a dormitory unless specifically permitted in the District.

(51) **Self-Storage Development**.
(a) All storage units shall be of fire-resistant construction.

(b) Outdoor storage shall be limited to vehicles, boats and trailers. No "Junk Vehicles" shall be stored within view of a public street or a dwelling.
(c) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
(d) Designated spots may be used for outdoor parking of motor vehicles or trailers. Nothing shall be stored in interior traffic aisles or accessways that would interfere with emergency vehicle access or within required off-street parking areas.
(e) The use shall not include a commercial Auto Repair Garage, unless the requirements for that use are also met.
(f) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
(g) See Section 1303 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 1303. Any fencing shall be placed on the inside of the plantings.
(h) Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

(52) **Solid Waste Transfer Facility, Solid Waste Landfill or Waste to Energy Facility.**

(a) All solid waste storage, disposal, incineration or processing shall be at least 250 feet from the following: public street right-of-way, exterior lot line, floodplain regulated under the Floodplain Ordinance, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
(b) All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing occupied dwelling that the applicant does not have an agreement to purchase. Any solid waste landfill disposal area shall be setback a minimum of 1,320 feet from any public water supply.
(c) The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
(d) The applicant shall prove to the satisfaction of the Borough Council that the street network can handle the additional truck traffic, in a manner that minimizes negative impacts upon residentially zoned neighborhoods. The routes to be used by waste trucks to access the site shall need approval from Borough Council and shall be enforced by the operator. A professional traffic study shall be submitted with the zoning application, which shall address turning radii, congestion, safety issues and compatibility with dwellings. The Borough Council may establish reasonable conditional use conditions regarding truck routes, which shall then be enforceable by the Zoning Officer or his/her designee.
(e) The applicant shall prove to the satisfaction of the Borough Council that the use will include the best available methods to minimize noxious odors off of the tract.
(f) A chainlink or other approved fence with a minimum height of 8 feet shall surround the use, unless the applicant proves to the satisfaction of the Borough Council that this is unnecessary.
(g) Minimum lot area - 7 acres.

(h) The applicant shall provide evidence to the Borough Council that sufficient measures will be put into place to minimize the attraction, harborage or breeding of insects, rodents or vectors.
(i) Attendant. An attendant shall be present during all periods of operation or dumping.
(j) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
(k) Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
(l) Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
(m) Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated.
(n) Except for a landfill, all loading and unloading and processing of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated, or similar methods pre-approved by the Borough Council. Leachate shall be contained and treated in compliance with DEP regulations.
(o) The landfill shall be considered to be a structure for the purposes of complying with the maximum height requirements of the zoning district.
(p) Putrescent waste shall not be stored outdoors. Putrescent waste on a landfill site shall be regularly covered as provided in the State permit and regulations.
(q) The applicant shall describe in writing measures that will be used to contain, control and treat any leachate.

(53) **Stable, Nonhousehold**. (Includes riding academies; See also "Keeping of Pets" in the following section)
(a) Minimum lot area - 1 acre per horse or similar animal.
(b) Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
(c) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Manure shall be managed in a way that does not result in polluted runoff from the property.

(54) **Swimming Pool, Non-Household**.
(a) The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
(b) Minimum lot area - 20,000 square feet.
(c) Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 1303.
(d) The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
(e) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

(55) **Temporary Shelter.**

(a) The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception use approval.
(b) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
(c) The Zoning Hearing Board may place conditions upon the use to protect public safety, and to minimize conflicts with nearby residents.
(d) The applicant shall describe the maximum number of residents who will be served, which may include a higher stated number on days of extreme cold weather.

(56) **Townhouses and Apartments**.
(a) Maximum number of townhouses in any attached grouping - 10.
(b) Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
(c) Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
(d) Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
(e) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

(57) **Treatment Center**.
(a) See definition in Section 1502. This use shall not include a Criminal Halfway House or Day Reporting Center, unless the requirements for all uses are fully met.
(b) The applicant shall provide a written description of all conditions (such as alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception use approval.
(c) The applicant shall prove to the satisfaction of the Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
(d) The Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(58) **Trucking Company Terminal** - See "Warehousing, Storage or Distribution Center as the Principal Use of the Lot, or Trucking Company Terminal" in this Section.

(59) **Veterinarian Office**. (includes Animal Hospital)
(a) Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that

sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

(b) Animals undergoing treatment may be kept as an accessory use. Birds, rabbits, gerbils and similar animals may also be boarded. However, a commercial kennel involving healthy dogs shall only be allowed if a kennel is permitted in that District and if the applicable requirements are met.

(60) **Warehousing or Storage or Distribution Center as the Principal Use of the Lot, or Trucking Company Terminal.**

(a) Where conditional use is required, then as a condition of conditional use approval, the Borough Council may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

(b) The subject property shall have vehicle access to a collector or arterial street, without using a local residential street.

(c) The facility shall provide sufficiently long stacking lanes and on-site loading and unloading areas, so that trucks waiting to be loaded and unloaded will not back up onto a public road.

(d) Any gates or other barriers shall be set back and arranged to prevent vehicle backups onto adjacent streets during peak arrival periods.

(e) Major truck repair and truck fueling shall not be allowed unless the uses are separately approved and the requirements for each use are met. Accessory forklift repair is allowed within a completely enclosed building.

(f) The outdoor storage of vehicles or trailers that do not display a current state license is prohibited.

(g) Any outdoor loudspeaker system shall be designed and operated so that the noise is not heard at residential properties.

(h) The operator of the facility shall enforce State regulations on maximum idling time limit for trucks.

(i) If the property will be abutting or across a street from an existing dwelling or a residential district, then the following planting requirements shall apply in place of other Borough requirements along that side of the property. The buffering shall achieve a minimum capacity of 80% in both the winter and the summer. The plantings shall include staggered rows of plantings including fast-growing evergreen trees with an average spacing of 10 feet apart on center and deciduous trees with an average spacing of 25 feet apart on center. The deciduous trees shall be a species with a minimum mature height of 20 feet. A minimum of 75 percent of the plantings shall be evergreens.

(j) Any on-site vehicle fueling facilities shall be reviewed in advance by a Borough Fire Official, and the applicant shall provide evidence of compliance with Federal and State environmental protection regulations for the facilities prior to receiving a Construction Permit. Sufficient containment measures shall be used to contain an accidental fuel spill, such as fuel facilities being located over an impervious surface that drains to a containment tank.

(k) Any traffic impact study shall consider the cumulative impact of all proposed and planned industrial uses in the vicinity.

(61) **Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 603.**

(a) The wind turbine shall be setback from the nearest principal building on another lot a distance not less than three times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
(b) The audible sound from the wind turbine(s) shall not exceed 45 A-weighted and 55 C-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
(c) The applicant shall provide information on whether the turbine could interfere with emergency medical helicopters, and if so additional warning lights may be required by the Borough.
(d) Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
(e) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
(f) All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
(g) The turbine shall include automatic devices to address high speed winds.
(h) Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
(i) The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
(j) Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
(k) Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Wind turbine to service. All Wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.
(l) The maximum height above the average surrounding ground level to the top of the extended turbine blade shall be 325 feet, unless a lower height is required to meet other requirements of this Ordinance.
(m) Industrial-scale battery storage of electricity generated from the turbines shall be allowed in the industrial districts.
(n) The turbines shall be designed to be non-reflective and have non-intrusive colors (such as an off-white or light gray), unless a different color is necessary to reduce risks to birds or aircraft.

603. **Additional Requirements for Uses that are Typically Accessory Uses**.

A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or special exception use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.

B. Accessory Setbacks. The accessory setback requirements of the applicable District shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

C. Front Yard. No accessory structure, use or building shall be permitted in a required front yard in any District, unless specifically permitted by this Ordinance.

D. Additional Standards. Each accessory use shall comply with all of the following standards listed for that use:

(1) **Antenna, Standard**. (includes amateur radio antenna)
   (a) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
   (b) Anchoring. An antenna shall be properly anchored to resist high speed winds, and an antennae of greater than 25 feet high above a building shall meet the Borough engineer's approval.

(2) **Bus Passenger Shelter.**
   (a) The applicant shall prove that a well-established entity is responsible for the cleaning, maintenance and repair of the shelter. If the shelter is not being properly maintained or falls into disrepair, and the entity does not correct the problem within 72 hours, then the Zoning Officer may order that the shelter be removed within 7 days.
   (b) In an industrial district, the shelter may include an advertising sign of up to 40 square feet on each of two sides, which may be illuminated. The sign shall not flash, move or be animated or electronically change. Any shelter may also include transit informational signs.
   (c) The shelter shall only be allowed at a stop of regularly scheduled bus service, with the location having been approved by the provider of the service.
   (d) If located within the public right-of-way, approval is also needed from PennDOT if applicable and the Borough Manager.
   (e) The shelter design shall be of durable construction and shall be mostly transparent along the sides.

(3) **Clean Fill.**
   (a) Fill shall only be allowed to be placed on land within the Borough if it is not contaminated above naturally occurring background contaminant levels. It shall not be sufficient to show that the contamination is below advisory levels. Demolition wastes, putrescent wastes or wastes resulting from industrial operations shall not be allowed to be used as fill in the Borough and shall not be considered to be "clean fill."
   (b) Fill shall only be used to re-grade a site or fill in mines or quarry holes if it meets the State DEP's requirements for "clean fill" or otherwise is approved under a DEP permit that authorizes the deposit of the materials. Note - As of enactment date of this Ordinance, such provisions were in 25 PA. Code Chapters 250, 271 and 287, and defined "Clean Fill" as "Uncontaminated, non-water soluable non-decomposable inert solid material. The term includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such. (25 Pa. Code §§ 271.101 and 287.101) The term does not

include materials placed in or on the waters of the Commonwealth unless otherwise authorized." See also the DEP policy document "Management of Fill."

(c) If more than 150 tons of fill material are being brought onto a lot from outside of the Borough of Jessup, then the Zoning Officer shall require that the owner of the property or the entity depositing the fill provide to the Borough a written analysis of the materials. Such analysis shall be completed by an independent environmental laboratory that has federal or state certifications to complete such testing, and shall use completely random samples taken by the laboratory staff from various loads. A sample shall be tested from a minimum average of 10 percent of truck loads. The landowner shall be responsible for the costs of the testing, unless the entity conducting the fill operations agrees to pay the costs.

(d) If more than 150 tons of fill material are being deposited on the site, the owner of the property or the entity depositing the fill shall provide a written statement to the Borough listing the sources of the material.

(e) If the material was originally contaminated, but was cleaned to become clean fill, information must be provided regarding the type of treatment and the entity that performed the treatment.

(f) Any placement of fill shall also comply with the Borough Floodplain Ordinance and the Borough Stormwater Ordinance. Any placement of a total of more than 5 tons of fill shall be setback a minimum of 50 feet from the centerline of any perennial creek and 75 feet from the top of the primary bank of the Lackawanna River.

(4) **Day Care as accessory to a Dwelling**.

(a) See Articles 3 and 4 under Accessory Uses and the definitions in Section 1502 concerning the number of children who can be cared for in different Zoning Districts in a Family Day Care Home or a Group Day Care Home.

(b) The care of 4 or more children (other than children or grandchildren of the on-site caregiver) shall only be allowed where specifically permitted under Articles 3 and 4 in the applicable Zoning District.

(c) The dwelling shall retain a residential appearance.

(d) The use shall be actively operated by a permanent resident of the dwelling.

(e) If 4 to 12 children are cared for who are not children or grandchildren of the on-site caregiver, then a minimum of 300 square feet of exterior play area shall be available, surrounded by a 4 feet minimum height secure fence. Seven to 12 children shall not be cared for in a dwelling unit that is attached to another dwelling unit, and provided that number of children are allowed in the zoning district.

(f) See also "Day Care Center" as a principal use in this Section. Day Care is also an allowed accessory use for a Place of Worship.

(g) The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Human Services registration certificate or license, if required by such agency.

(h) Steps shall be properly secured to limit access by children. At least one fire extinguisher shall be provided, as well as emergency indoor lighting.

(i) The applicant shall describe in writing any provisions that will be made for the safe loading and unloading of children from vehicles.

(5) **Donation Bins, Outdoor**. These bins shall meet the following additional requirements.

(a) Such bins shall only be allowed as accessory to an on-site building of a place of worship, municipal use, fire or ambulance company, principal commercial business, or a non-profit

organization. Such bins shall not be allowed on a lot that does not include a building for such use.

(b) Such bin shall be enclosed and constructed of metal or other Borough-approved material and be designed for the public to deposit clothing and other used household items until it is picked up on a regular basis by the entity that registered to maintain the bin.

(c) A zoning permit shall be required if the bin is controlled by an entity that does not own or lease the property. As part of the permit, an entity shall register with the Borough to be responsible to properly maintain and regularly empty the bin, and to maintain the surrounding premises in a clean and sanitary manner. The applicant shall provide written proof that the landowner has agreed to the placement of the bin. A weather-resistant copy of the permit shall be attached to the side of the bin. The permit may be revoked for failure to comply with the requirements of this Section, such as if items are allowed to remain outside of the bins. If the permit is revoked or the bin is not being regularly emptied, the bin shall be removed within 10 calendar days. If the person responsible to maintain and empty the bin should change, the Zoning Officer shall be notified within one business day in writing.

(d) The bin shall not obstruct safe sight distances, landscaping, buffer areas, on-site circulation, required parking, loading areas or other required features. The bin shall meet principal building setbacks if adjacent to residential lot, and accessory setbacks in other cases. A bin shall not be allowed within a minimum front yard. A bin shall not be placed within a public right-of-way.

(6) **Drive-through Facilities**.

(a) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

(b) On-lot traffic circulation and parking areas shall be clearly marked.

(c) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

(d) To the maximum extent feasible, a drive-through window shall not be placed on the front facade of a building.

(e) The design of the drive-through facilities shall be subject to review by Borough officials.

(f) An area used for outdoor ordering by customers shall be setback a minimum of 100 feet from a dwelling on another lot. The use shall include use of acoustic barriers or controls on the volume of loudspeakers so that the loudspeaker cannot be heard from a dwelling.

(g) To the maximum extent feasible, access to a drive-through shall use a rear alley or side street, unless such access would be adjacent to dwellings.

(7) **Fences and Walls**.

(a) Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.

(b) No fence, wall or hedge shall obstruct the sight distance as required by Section 1303. (Note - The sight distance provisions typically regulate features over 3 feet in height.) A fence that is 75 percent transparent may be placed in a sight distance triangle if it is 4 feet or less in height.

(c) Fences -

1. Front Yard. Any fence located in the required minimum front yard of a lot in a Residential District shall not exceed 4 feet in height.
   a. The required minimum front yard shall mean the portion of the front yard that is within the minimum setback. For example, if a building is setback 40 feet from the street right-of-way, but the minimum setback is 25 feet, then these front yard restrictions shall only apply to the first 25 feet.
   b. If a building has an existing front yard setback that is smaller than the minimum setback, then these front yard restrictions shall only apply to the existing front yard setback.
   c. Fences in the front yard of a dwelling shall be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas. Mostly transparent wire mesh may be placed on the inside of such a front yard fence.
   d. A fence or detached wall that is not in a residential district and that is within 15 feet from the right-of-way of a public street or a dwelling shall have a maximum height of 8 feet, except that a taller height shall be allowed by special exception where the applicant proves to the Zoning Hearing Board that a taller height is necessary.
2. On a corner lot, in a Residential District, a fence or wall shall meet the same height requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling or other principal building may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.
3. Height. A fence located in a Residential District in a location other than a required front yard shall have a maximum height of 6.5 feet.
4. A taller fence height may be approved where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard (such as an electric substation or to prevent baseballs from entering into a street).
5. Setbacks. No fence shall be built within an existing street right-of-way. A fence maybe constructed up to a lot line, except as follows: a) a fence may be constructed on the lot line with mutual consent of the adjacent property owner, and b) a fence shall be located on the inside of any buffer plantings required by Section 1303.
6. Fence materials. Electrically charged above-ground fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. Under-ground fences to contain animals are not regulated by this Ordinance. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels. If a fence has one side that is more finished than the other side, the more finished side shall face towards any abutting dwelling. Fence supports should be placed on the inside of a fence.

(d) Walls -

1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height as viewed from a dwelling, it shall be setback a distance equal to its maximum height from a lot line of an existing dwelling.

2. Other than a necessary retaining wall, no wall of greater than 3 feet height shall be located in the minimum front yard in a Residential District, except as a backing for a permitted sign as permitted in Section 1204.C.
3. A wall in a Residential District shall have a maximum height of 3 feet if it is within the minimum side or rear accessory structure setback.

(e) All fences and walls (including retaining walls) over 3 feet in height shall need a zoning permit, regardless of whether a construction permit is also needed.

(8) **Food Trucks**. (This term includes Food Trailers.)

(a) If a food truck is parked on a private property for more than 15 minutes per day (other than routine temporary operations at a construction site), it shall only be permitted where allowed by Article 4 and shall meet all of the following requirements:
1. it shall be setback a minimum of 30 feet away from a dwelling on another lot, and shall not obstruct safe sight distances at intersections and driveways;
2. it shall meet all requirements for signs that would apply to a building;
3. it shall not be open to customers between 10 PM and 6 AM;
4. it shall not be located within a public right-of-way;
5. it shall provide a regularly emptied sanitary outdoor waste container, and litter shall be regularly collected;
6. it shall meet all health regulations; and
7. it shall only operate with written permission of the property-owner.

(b) A food truck shall not occupy a public on-street or Borough-owned off-street parking space for more than 15 minutes per day while serving food or beverages.

(c) The Borough may authorize written temporary exceptions to these provisions during a special event, parade or festival or within a public park.

(d) Commercial sales shall only be allowed within a Borough Park with written permission of the Borough, other than occasional visits of less than 15 minutes by a truck or cart offering snacks and beverages.

(e) A maximum of one food truck shall be allowed per lot, except as authorized by subsection (c) above.

(f) The food truck shall display a current State vehicle license and safety inspection sticker and have current vehicle registration.

(g) See also provisions for "Sidewalk Cafes and Food Carts" in this section.

(h) Electric generators that generate noise heard inside a building and tanks of explosive substances shall not be placed within 100 feet of a dwelling.

(i) In addition, a food truck shall be allowed as an accessory to a lawful restaurant that operates within a building on the same lot in any district.

(9) **Furnace, Outdoor**. (Such as wood-burning boilers and other building heating devices that are exterior to a principal building)

(a) The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
1. An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
2. The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.

(b) The applicant shall show compliance with PA DEP regulations.

(c) The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure, asphalt products or painted wood.

(d) See also provisions for fire pits and outdoor barbeques, which are separately addressed in Article 10.

(10) **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale)**.

(a) See sign provisions in Section 1203.

(b) A garage sale in a Residential District is limited to a total of 8 total days per calendar year per dwelling unit.

(c) Garage sales shall not routinely involve the sale of new unused merchandise.

(11) **Heliport**. See under principal uses in the previous subsection.

(12) **Home Occupations**.

(a) Note - There are two types of Home Occupations: "Low Impact Home Occupations" (which are typically permitted by right), and other types of Home Occupations that are named "General Home Occupations" and typically need special exception approval.

(b) All home occupations shall meet the following requirements:

1. The use shall only be conducted by one or more permanent residents of the dwelling, except it may also involve a maximum of one employee who does not reside in the dwelling. However, if a lot includes 3 or more multi-family dwellings, then no person shall work in a home occupation who does not reside on the lot. If a lot includes 3 or more multi-family dwellings, then only Low Impact Home Occupations shall be allowed on the lot.
2. The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
3. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
4. For a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
5. The use shall not routinely require delivery by tractor-trailer trucks.
6. The regulations of Section 603.D(16) below regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
7. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
8. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
9. Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
10. A barber or beauty shop shall include a maximum of one employee who does not reside on-site.
11. The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.

12. A Home Occupation may include a single two square foot non-illuminated sign.
13. The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
14. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles. See additional restrictions in subsection (16) below.
15. The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
16. If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
17. A zoning permit shall be required for a General Home Occupation.

(c) In addition to the requirements listed in "(b) above, the following additional requirements shall apply to a "Low Impact Home Occupation:"

1. The use shall not routinely involve routine daily visits to the home occupation by customers.
2. The use shall meet the definition of "Home Occupation, Low Impact" in Section 1502. The term Low Impact Home Occupation is intended to include, but not be limited to, the minimum standards of a "No Impact Home-based Business" under the State MPC.
3. A zoning permit shall not be required for a Low Impact Home Occupation.

(13) **Outdoor Storage and Display**. Commercial or Industrial as a Principal or Accessory Use.

(a) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
(b) No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain, except that pre-existing parking areas can continue to be used for parking of operable motor vehicles.
(c) Screening. See Section 1303.
(d) Outdoor storage of 50 or more used tires.
    1. This storage shall only be allowed as part of a Borough-approved junkyard or tire store.
    2. Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
    3. The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

(14) **Pets, Keeping of**. (Also includes Accessory Keeping of Miscellaneous Animals).

(a) This is a permitted by right accessory use in all Districts.

(b) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a Residential District, except within a secure, completely enclosed cage or fenced area of sufficient height and on a chain. Animals shall be kept on the property of the owner, except when they are on a leash.

(c) A maximum combined total of 5 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.

1. Such limits shall only apply to dogs or cats over 5 months in age, and shall not apply to bona fide working service animals.
2. Any greater number of dogs and/or cats shall need approval as a "kennel".

(d) Pigeons, chickens, ducks, geese and/or similar fowl shall only be kept on a lot if the shelter and area occupied by the animals are setback a minimum of 10 feet from any residential lot line. Up to 5 such animals may be kept under this provision on a residential lot of less than 2 acres. The animals shall be contained so they do not stray on neighbors' properties or streets. Roosters and guinea hens shall not be kept.

(e) Horses: Minimum lot area - 1 acre of open vegetated area for each horse or similar sized animal. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any "residential lot line."

(f) See the definition of "Pets" in Section 1502. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.

1. The following animals shall not be allowed to be kept within the Borough: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, or constrictor snakes that could be dangerous to humans. The keeping of any "exotic wildlife" shall also comply with the Pennsylvania Game & Wildlife Code regulations.

(g) The keeping of cows, sheep, goats, hogs and similarly sized animals shall require a minimum lot area of 3 acres. An additional acre of land shall be required for each hog or cow after the first animal, unless the use is approved as a principal "Keeping of Livestock or Poultry Use."

(h) In addition, a maximum of one miniature pig, pygmy goat or similar animal or similar size may be kept as accessory to a dwelling.

(15) **Recreational Vehicle Parking**. See under Residential Accessory Structure or Use in this Section.

(16) **Residential Accessory Structure or Use**. (see definition in Section 1502)

(a) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 503, unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot.

(b) Height. See Section 502.A.

(c) Parking of Commercial Trucks and Buses. The overnight outdoor parking of commercial trucks, commercial buses or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a Residential District is prohibited, except that the parking of a maximum of one vehicle with a gross vehicle weight of up to 13,000

pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work. The parking for more than one hour per day of trucks carrying gasoline or similar hazardous or explosive materials or that are used to carry putrescent garbage is prohibited in a Residential District.

(d) Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot. Note - relative is defined to not include cousins. Work on motor vehicles on a residential lot shall not be conducted as a commercial business. Work on motor vehicles on a residential lot shall not include the replacement of an engine or transmission, body work, frame work, or spray painting.

(e) See setback exceptions in Section 503.

(f) Outdoor storage of junk in a Residential District shall be limited to covering a maximum of 200 square feet of land area and shall not exceed a height of more than 5 feet. Such junk shall be removed from the lot within 7 days.

(g) Recreational Vehicles and Boats. See Section 1301.D. concerning recreational vehicle occupancy. Vehicles and boats shall be maintained to prevent the leakage of fuels and mechanical fluids onto the ground. A recreational vehicle or boat with a length of 26 feet or greater shall not be kept in the front yard of a dwelling in a residential district for more than 4 days in any 7 day period.

(h) A maximum of one motor vehicle or boat shall be displayed or offered for sale on a residential lot in a Residential District.

(i) A recreational vehicle shall not be used as a residence for more than 5 days in any 30 day period.

(17) **Short-Term Rental of a Dwelling Unit.**

(a) This provision shall apply to a rental of a dwelling unit or portions of a dwelling unit for periods of time of less than 30 days. Any lawful dwelling unit may be rented for periods of 30 days or more without being regulated by this subsection (17).

(b) A permanent resident of a dwelling unit may share a dwelling unit with others for any period of time, provided that: 1) the dwelling unit does not exceed the total maximum number of unrelated persons allowed based upon the definition of "Family," and 2) at least one permanent resident is currently living in the dwelling and is overseeing the rental.

(c) When at least one permanent resident is not currently living in the dwelling and overseeing the rental, then portions or all of the dwelling unit may only be rented for periods of time of less than 30 days if the total time periods of all such rentals does not exceed 30 days per calendar year.

(d) In any case, a rental of a dwelling unit for periods of less than 30 days shall be limited to only a single person or a group of friends or relatives who will not have more than one motor vehicle within the Borough and who are renting the space using a single rental contract.

(e) The following are examples of how this subsection is intended to work: 1) A permanent resident may share a dwelling with up to 3 other unrelated persons for periods of time of 30 consecutive days or more (which is not regulated by this Section); 2) While a permanent resident is away on vacation, the dwelling unit may be rented for 15 days once a year and then a maximum of another 15 days during the same year; 3) A permanent resident may rent out a bedroom to two visitors to the area every weekend, provided the

permanent resident is still living in the dwelling and overseeing the rental; and 4) An entire dwelling unit may be rented for time periods of 30 days or more.

(f) The following are examples of what is not allowed: 1) A person shall not rent out the dwelling for 7 days at a time during 5 different weeks in a year, while the dwelling is not occupied by a permanent resident who is responsible for overseeing the rental; and 2) A person shall not rent out dwelling space to 3 individuals for periods of less than 30 days, unless those 3 persons are under a single rental contract and use a maximum of one motor vehicle.

(g) The rental of dwelling unit space shall only include areas that meet Code requirements for habitable space. For example, basement space shall not be rented for residential use if it does not have the required two means of access.

(h) Any rental of dwelling unit space for periods of less than 30 days shall require registration with the Zoning Officer. The application shall include the name and full contact person of a designated person who is responsible to oversee behavior of the guests and compliance with Borough ordinances. If such person changes, contact information for the new person shall be provided in writing to the Zoning Officer within 24 hours.

(18) **Sidewalk Café or Sidewalk Food Cart**. Where a lawful permanent commercial business is actively in operation in a Commercial Zoning District, and a restaurant is allowed in the Zoning District, a portion of the sidewalk within the public right-of-way immediately in front of that business may be used for a portable food cart and/or movable customer seating and tables for the consumption of food or beverages, provided that all of the following additional conditions are met:

(a) The café or food cart is required to have the same owner or operator as the adjacent indoor business. Indoor restrooms shall be available for customers of the sidewalk business.

(b) A continuous 5 feet minimum unobstructed hard-surface sidewalk width shall be maintained that is accessible by wheelchairs. Such access shall also be provided to all ADA ramps and street intersections.

(c) A sanitary outdoor trash receptacle shall be provided for customers, which shall be regularly emptied with proper disposal. Litter shall be regularly collected.

(d) The outdoor use shall not operate between Midnight and 6 AM, except it shall not operate after 10 pm if it is within 250 feet of a dwelling on another lot.

(e) Any umbrellas or canopies shall maintain an 8 feet high minimum vertical clearance over a public sidewalk. The space within the right-of-way shall not be enclosed by walls or solid materials, except that the Borough may approve decorative planters.

(f) The applicant shall be required to provide a valid insurance certificate to the Borough that holds the Borough harmless resulting from any claim involving the use of the right-of-way, and that names the Borough as an additional insured. Such certificate shall be regularly updated and presented to the Zoning Officer to prove that it remains valid during the life of the use. Such certificate shall be in a form that is acceptable to the Borough and shall provide a minimum of $100,000 of insurance coverage, which shall be increased to $500,000 if alcohol is consumed within the public right-of-way.

(g) The cart and all of the sidewalk café features shall be required to be completely removed from the public right-of-way within 24 hours if the applicant is provided a written notice of violation of a Borough ordinance (such as failure to meet the insurance requirements) or if the café, food cart or the adjacent business is no longer in active use.

(h) This subsection shall not limit a lawful restaurant from using part of the same or an adjacent privately-owned lot for accessory outdoor seating.

(i) See also "Food trucks" in the subsection above.

(j) The Borough may authorize written temporary exceptions to these provisions during a Borough-authorized special event, parade or festival.
(k) If alcohol sales occur, the applicant shall prove to the Zoning Officer that there is a valid liquor license which allows such sales where they are proposed to occur.
(l) Electric generators that generate noise heard inside a building and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
(m) Permitted outdoor eating and drinking areas that are not within the public right-of-way shall not be required to meet this subsection "(17)."
(n) The Borough may require the use of posts or a similar barrier to delineate the area allowed to be used for a sidewalk cafe.

(19) **Swimming Pool, Household**. (referred hereafter as "pool")
(a) All pools shall be fenced in compliance with the standards in the Construction Code.
(b) The water surface and any raised decking of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines.
(c) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

(20) **Temporary Commercial Uses**. See Section 1403.G.

(21 **Unit for Care of Relative**.
(a) The use shall meet the definition in Section 1303.
(b) The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
(c) The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily re-converted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.
(d) The applicant shall establish a legally binding mechanism in a form acceptable to the Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
(e) At any time, the Zoning Officer may require that the owner of the property provide evidence that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit and is in need of such arrangement.
(f) Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached modular unit may be allowed if it was designed for that purpose. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet minimum side yard requirements and be placed in the rear yard, with a 20 feet minimum rear yard setback and has a maximum building floor area of 800 square feet.

(g) Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
(h) A minimum floor area shall not apply to the Unit for Care of Relative.

(22) **Wind turbines, One Per Lot as Accessory Use**.
(a) All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
(b) The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
(c) The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
(d) A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
(e) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
(f) The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
(g) In a district other than the IC or GI district, the maximum total height above the ground level to the tip of the extended blade shall be 75 feet. In the IC or GI district, the maximum height for a wind turbine approved under this section shall be 125 feet. See wind turbines in Sections 602 and Articles 3 and 4 for taller turbines.
(h) New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

ARTICLE 7
DESIGN STANDARDS AND GUIDELINES

Where the term "front facade" is used in this Article, and a lot is adjacent to two or more streets, the front facade shall be considered the building side that faces onto the more heavily traveled street. As noted in Section 1502, the word "shall" means a provision is mandatory, while "should" means a provision is recommended.

701. Purposes of this Article.

A. Encourage appropriate redevelopment and reuse of underutilized sites.
B. Improve the appearance of the Borough's downtown and commercial areas.
C. Enhance economic investment for businesses and property owners.
D. Protect and conserve neighborhood architectural character.
E. Enhance pedestrian safety and the quality of the pedestrian experience.
F. Serve the purposes of the Traditional Neighborhood Development provisions of the MPC, and utilize the authority provided under those provisions.

702. Additional Requirements in the TC and R-3 Districts.

A. Building Compatibility.
   (1) See the maximum building setback in Section 504.
   (2) Where it is feasible to use an existing alley to provide access to a new garage door or parking area, such alley shall be used instead of creating a new curb cut onto a street across a sidewalk.
   (3) A maximum of 50 percent of the front facade of a new principal building that faces onto a public street shall be comprised of exposed metal panels (such as an exposed side of a metal pole building). Windows, doors and facade materials (such as materials with the appearance of brick or textured block) may be used in front of a metal sided building to meet this requirement. This provision does not apply to roofing materials.
   (4) A new principal building over 150 feet in length along a street shall include variations in the front facade in rooflines, overhangs, architectural details, setbacks, colors and/or facade materials and/or use canopies, porches and awnings to provide variation. A long new principal building should have the appearance of smaller connected buildings.
   (5) Blank walls without at least one pedestrian door and one window are not permitted to face the front facade along a public street.
   (6) The applicant for a new principal building in the TC District shall submit a preliminary architectural elevation or sketch of the front facade and a description of proposed front facade materials to the Zoning Officer. The Zoning Officer shall offer the submittal to the Borough Planning Commission or other Borough staff or boards for review and comment.
   (7) New exterior fire escapes shall not be constructed on the front facade of a building facing onto a public street, unless the applicant proves to the Zoning Officer that there are no feasible alternatives.
   (8) Solid metal security gates over first floor doors and windows that face onto a public street and that are within 50 feet of a public sidewalk are prohibited. Instead, any security gates shall be mostly transparent, such as using a metal grill.
   (9) A new principal non-residential building shall not have an exterior building side that faces onto a public street that is comprised of a total of more than 25 percent of any of the

following materials combined: vinyl siding, aluminum siding, T-111 siding, or concrete masonry units that are not shot-blast or ground-face.

(10) A portion of new building occupied by a retail store shall have a minimum of 15 percent of each building side that faces onto a public street comprised of windows or transparent doors. This provision shall only apply to the street level of a building up to a height of 12 feet above the ground level. Such windows do not necessarily need to be open to the interior of the building, if there are security issues, but instead can be enclosed display windows.

(11) In the TC district, see sign guidelines in Section 1204.H.

B. Site Compatibility.

(1) To the maximum extent feasible, new surface off-street parking shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building. This provision shall not limit rearrangement of spaces within existing parking areas. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street. If such lot is adjacent to two or more streets, this restriction shall only apply to the one street that is the most heavily traveled by vehicles.

(2) Chain-link exposed metal fencing shall not be placed in the predominant front yard facing a public street. Picket or ornamental fences are encouraged, or chain link that is coated in dark colored plastic. Highway-style metal guide rails should not be used on private property if visible from a street.

(3) See street tree, parking lot tree and other landscaping provisions in Section 1303 and 1304.

C. Pedestrian Orientation and Safety.

(1) Pedestrian traffic shall be carefully considered in all drive-through designs, particularly to make sure there is adequate sight distances.

(2) Business buildings shall have their main pedestrian entrance facing a street or a pedestrian walkway/plaza, or be located within a maximum of 30 feet from the front sidewalk along the street.

703. **Recommended Design Guidelines in All Districts.** The following recommended guidelines should be considered in the design of new construction, additions and exterior alterations. Some of these features may be required by other sections of this Ordinance in specific cases. The provisions in Section 702 should also be used as recommended guidelines in Districts where a provision is not required.

A. Site Compatibility.

(1) See buffer yard requirements in Section 1103, including provisions addressing eye-level views through plantings for security purposes along a street. Landscaping shall be located where it will not cause problems for neighboring property owners.

(2) Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. A rear or side alley should be used for garage or parking access when feasible for dwellings. Where rear parking is not practical, then parking should be provided to the side of a building. Where a residential driveway needs to enter from the front, the garage should be setback further from the street than the front facade of a principal residential building, and the driveway should be as narrow as practical through the front yard. If a residential driveway is necessary in the front of a lot,

the curb cut should be a maximum of 10 feet wide, except 20 feet may be necessary for a driveway serving multiple units or that serves side-by-side parking spaces.

(3) Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage.

(4) Landscaping, low walls that have the appearance of brick, or similar features should be used to buffer parking lots from streets, provided that there is still sufficient views into the parking area at eye level (approximately 4 to 5 feet) for security purposes.

(5) Various signs on a property should be coordinated. Internally illuminated signs of box-type construction with a plastic face should be avoided (and are restricted in the TC district). Signs should not cover architectural details. Awnings that extend at a straight angle from a building are encouraged to provide continuity along a block front and weather protection. Awnings should be used to reduce the visibility of roll-down security gate mechanisms. The front panel of an awning may be used for a sign, but the sign image should be integrated with the awning and the awning should have the appearance of a fabric-type material.

(6) Adequate lighting shall be provided for security, but in a manner that does not generate glare. In historic areas, traditional styles of light poles should be used, with a maximum height of 20 feet. An unfiltered luminaire of a floodlight should not be directly visible from a street or sidewalk.

(7) Chain-link metal fences should be avoided in the primary front yard along a street. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.

(8) New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front. New utility meters should be hidden from view from the street frontage.

(9) See trash dumpsters screening and location standards in Section 1306.

(10) Where new sidewalks are constructed, consideration should be given to using pervious pavers between the main concrete sidewalk and the curb.

B. Building Compatibility.

(1) New construction should have a front yard setback that is similar to adjacent older buildings, where there is a predominant setback of less than 30 feet from the street.

(2) Awnings should be used to add visual interest and to provide cover during rainy weather.

(3) Modern additions and features should be placed towards the rear of a historic building.

(4) New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.

(5) Where existing older buildings have a certain spacing of windows and doors, similar spacing, and similar sizes of windows and doors, should be continued in new construction. Blank walls without door and window openings should be avoided along a street.

(6) Particularly where most buildings along a block have front porches, a front porch should be incorporated into new construction. Existing older front porches should be maintained and not be enclosed.

(7) Where it is allowed, tractor-trailer truck loading docks are discouraged from being visible from a street. Instead, loading docks should face onto another industrial lot where it exists, or be screened by walls or landscaping from the street.

(8) Where allowed by the Borough, an applicant should consider offering the option in a building of a "Live Work Unit," such as a building that encourages a person to work on the first floor and live in the upper stories.

(9) Standard "franchise brand" facades should be modified in such a way as to become compatible with the character of historic areas.

(10) Every effort should be made to rehabilitate and reuse older buildings that have historic architecture. If a building cannot feasibly be reused, then consideration should be given to building a new building behind a significant restored facade.

(11) Along streets in other Districts where two or more story buildings are common, single story buildings should be avoided, unless they have the appearance of a two story building when viewed from the front along the street.

(12) Overly garish or day-glow colors should be avoided on commercial buildings. Colors should highlight architectural details and character, and be compatible with the neighborhood context.

(13) Buildings should avoid long, monotonous, uninterrupted walls. Instead, there should be variations in a front facade, such as changes in building setbacks, colors, details, materials or rooflines.

Variation in New Construction



Make a new long building appear to be comprised of smaller buildings by varying colors, cornices, awnings and details.

(14) Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping.

(15) Noisy or odor-producing ventilation equipment (such as fast food restaurant exhaust fans) should be placed as far away from dwellings, and should not be placed on the front building facade, as is feasible.

C. Pedestrian Safety and Orientation.

(1) Pedestrian crosswalks should be provided along arterial street corridors using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. A method should be used that is durable, instead of simply being adhered to the top of the asphalt.



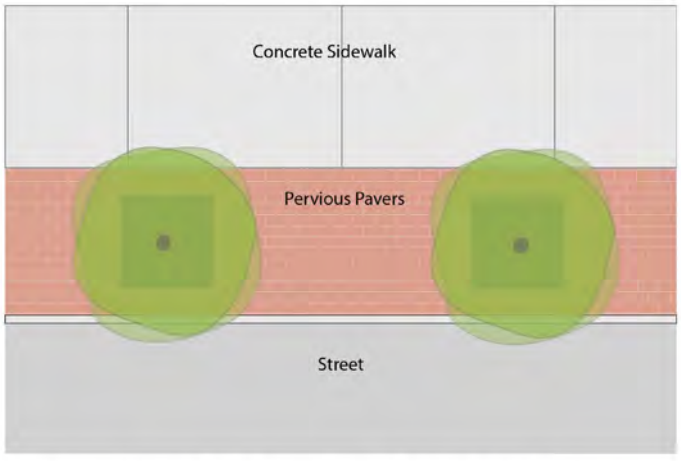
(2) Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic and to provide convenient walking routes from any public transit stops.

(3) Individual buildings and pedestrian entrances and parking areas should be laid out to promote pedestrian access among different uses, and to provide pedestrian connections towards bus stops.

(4) Pedestrian-related uses and features providing visual interest and vitality for pedestrians are encouraged along main streets. Storefronts, pedestrian entrances and display windows should relate to the street, rather than be focused directly towards a parking lot. Large parking lots, blank building faces and non-pedestrian-related uses are discouraged along major pedestrian streets.

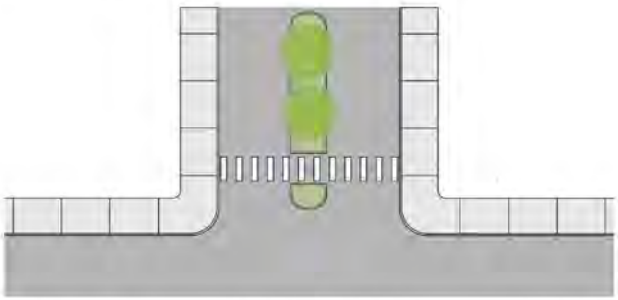
(5) Concrete sidewalks should be used for the main route used by wheelchairs and most un-motored pedestrians. Pervious pavers should be used to add decorative elements along the curb, and to allow water and air to reach street trees.

Pervious Paving Strip Use



Use pervious pavers in areas that are not the primary wheelchair and pedestrian pathway.

Street Crossing Refuge Island



Along wide streets, consider construction of a refuge island for bicyclists and pedestrians, so that they do not need to cross all lanes of traffic at one time.

(6) Sight distance requirements are addressed in Section 1303. Signs should also be considered to warn pedestrians and motorists of areas where there are limited sight distances.

Sight Distance Remedy



Where an alley or parking lot entrance cannot be designed with adequate sight distances of pedestrians, warning signs should be used for both pedestrains and motorists.

ARTICLE 8
ADDITIONAL REQUIREMENTS IN THE MU MIXED USE ZONING DISTRICT

801. R-2 Development. In the MU district, development may occur under the R-2 zoning district regulations, provided all of the regulations of the R-2 district are met. Once a development is approved under the R-2 district provisions, the R-2 regulations shall continue to apply. Any new dwelling units shall have a minimum principal building setback of 100 feet from the right–of-way or U.S. Route 6.

802. Uses and Dimensional Requirements. For development that does not occur under the regulations of the R-2 district, Article 4 lists additional uses that are allowed in the MU district and Article 5 provides dimensional requirements for that type of development.

803. Additional Requirements. The following additional requirements shall apply in the MU District:

A. New principal business uses shall only be allowed if there is a minimum tract size of 3 acres within the MU district. A tract shall consist of one or more contiguous lots that are under common ownership or common equitable ownership at the time of the zoning application. Lots within a tract may be separated by one or more streets, creeks or a railroad. Within a tract, various new lots may be approved by the Borough for subdivision, and the tract may be approved by the Borough to be developed in phases, provided there is compliance with Borough ordinances.

B. If the applicant owns or controls other lands in the MU district beyond lands that are currently proposed for development, the applicant shall provide a conceptual sketch plan to the Zoning Officer showing how such lands could eventually be developed over the long-run under current Borough ordinances. Such sketch shall show floodplains, creeks, a potential road system and potential uses of the land, but is not required to be meet engineering standards for a subdivision or land development plan. Such sketch plan shall be offered to the Planning Commission and Borough Council for comment.

C. As part of any proposed special exception use application, the applicant shall provide to the Zoning Hearing Board a site plan that shows all existing and proposed development within the boundaries of their lot(s) and approximate locations of existing and proposed development within 300 feet from the boundary of their lot. The applicant shall prove to the satisfaction that the project has sufficient access onto a public street or a private street improved to public street standards, and that such street is suitable to serve the current, proposed and eventual traffic that will be served by that street. The applicant shall also prove to the Zoning Hearing Board that the proposed new development will be designed to be compatible with existing and potential residential uses in the vicinity.

D. As part of a special exception application for a new principal business use in the MU district, the Zoning Hearing Board shall have the authority to require additional setbacks, limits on hours of operation, limits on hours of delivery, or additional landscaped buffering conditions on the application in order to provide compatibility with existing and potential residential development in the vicinity.

ARTICLE 9
FLOODPLAIN REGULATIONS (OVERLAY DISTRICT)

See the Borough Floodplain regulations and the Official Federal Floodplain Map. All zoning permits and approvals are conditioned upon meeting such regulations, if applicable.

ARTICLE 10
ENVIRONMENTAL PROTECTION

1001. **Erosion and Stormwater Control**. See the State erosion and sedimentation control regulations (25 PA. Code Chapter 102) and the Subdivision and Land Development Ordinance. (Note - A NPDES Permit is typically required whenever all phases of earth disturbance total one acre or more. Compliance with the State erosion and sedimentation control regulations shall be an automatic condition of any zoning permit for work that involves earth disturbance. The Zoning Officer may require that evidence of compliance with such regulations be submitted to the Borough.

A. A proper method shall be used to direct runoff so the runoff does not harm adjacent properties. For example, buildings should include proper gutters along the roof and drainage pipes so that water does not spray onto the neighbor's property or damage the neighbor's foundation.

B. See the Borough Stormwater Ordinance.

1002. **Nuisances and Hazards to Public Safety.**

A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
(1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
(2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
(3) Significant risks to public health and safety, such as but not limited to, explosion, fire or biological hazards.

B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Ordinance, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

1003. **Steep Slopes**.

A. A maximum of 1,000 square feet of land area per lot with a slope of 25 percent or greater shall be built upon as part of the development of a new building or vehicle parking area. This requirement shall not apply: 1) within the LI or GI districts, 2) to slopes that were clearly man-made prior to the enactment of this Ordinance, or 3) crossings of sloped areas that are necessary for a driveway or utilities.

B. The land adjacent to a proposed or existing building shall not be re-graded in such a way that makes it difficult to reach each side of a building with a fire ladder.

1004. **Waterway Setbacks and Wetlands.** Uses, structures and development shall comply with the Borough Floodplain Ordinance.

A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional. Where disturbance is proposed in an area that may be wetlands, the Zoning Officer may place a

condition on a zoning permit to require that the applicant submit evidence that a wetland delineation has been officially confirmed under U.S. Army of Engineers-approved procedures.

(1) Note – An indicator of possible wetlands involves the presence of hydric soils in soil mapping of the U.S. Natural Resources Conservation Service.

B. River and Creek Setbacks. No new or expanded building, vehicle parking area or business storage area shall be located within the area 25 feet from the centerline of any perennial creek and 75 feet from the top of the primary bank of the Lackawanna River. This 25 feet distance shall be increased to 75 feet from the centerline of a creek within the MU, IC, GI or LI zoning districts. U.S. Geological Survey topographic mapping shall be used to determine whether a creek is considered perennial or not.

1005. **Noise.**

A. No principal commercial or industrial uses or their operations on their lot shall generate a re-occurring sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 10 p.m., other than anytime on: Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day, 4th of July, and Memorial Day 2) 10 p.m. to 7 a.m., plus anytime on any of the following days: Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day, 4th of July and Memorial Day	1) 55 dBA 2) 45 dBA
2. At a Lot Line of a Commercial or C-R District	All times and days	65 dBA
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

B. If a land use is grandfathered under a more permissive maximum noise level that was in effect at the time of its development application, that more permissive noise level shall not apply to noise resulting from an expansion of the use or other development on the same property.

C. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

(1) Sound needed to alert people about an emergency.
(2) Repair or installation of utilities or construction of structures, sidewalks or streets.
(3) Lawnmowers, snowblowers, leaf blowers and similar equipment.
(4) Household power tools.
(5) Agricultural activities and animals.
(6) Public celebrations authorized by Borough Council or a Borough, County, State or Federal Government agency or body.

(7) Unamplified human voices.
(8) Routine ringing of bells and chimes by a place of worship or municipal clock.
(9) Vehicles lawfully operating on a public street, railroads and aircraft.

1006. **Odors, Dust and Smoke.**

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

B. Toxic or hazardous substances shall not be burned without a DEP Air Quality Permit allowing such activity.

C. See DEP regulations on types of materials that may be burned. See also the Borough Open Burning Ordinance.

D. No emission shall be permitted from any chimney or other source of visible grey smoke of a shade equal to or darker than No. 2 on the Ringlemann Smoke Chart, as originally issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for a maximum of 4 minutes during any 30 minute period. Such determination shall be made by the Zoning Officer or his/her designee.

E. Portable outdoor fireplaces or recreational fire pits shall be setback a minimum of 30 feet from a dwelling on another lot, unless a stricter requirement is established by another Borough ordinance..

1007. **Control of Light and Glare.** This section shall only regulate exterior lighting that spills across lot lines or onto public streets.

A. Street Lighting Exempted. This section shall not apply to: a) street lighting that is owned, financed or maintained by the Borough or the State, or b) an individual light of less than 10 feet total height in a front yard or attached to the front of a building.

B. Height of Lights. No luminary that is within 150 feet of a lot line of an existing dwelling shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, or lighting of outdoor public recreation facilities.

C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover and/or shielded to prevent exposed lighting elements from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

F. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by the canopy or enclosures or otherwise controlled so that lighting elements are not directly visible from another lot or street.

G. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas), lighting fixtures shall be aimed downward and shall include

cut-off measures as needed to properly direct the light to the intended locations, with no uplighting.

H. Off-Premises Signs (Billboards). Any new exterior lighting of an off-premises sign shall be attached to the top of the off-premises sign, be shielded as needed to avoid direct views of the luminaire from streets or buildings, and project downward.

I. Spillover. Lighting of a commercial or industrial property shall not cause the illumination level on a principal residential lot in a residential district to exceed 0.5 footcandle.

1008. **Vibration.**

A. The provisions of this Section 1008 shall not apply to the following: 1) temporary activities that are necessary to construct buildings, roads or utilities, 2) blasting activities occurring in compliance with a DEP permit, in situations where municipal regulation of vibration impacts is pre-empted under State law, or 3) vehicles on public roads, trains or aircraft.

B. No use shall generate earth-shaking vibrations that extend onto another lot upon which the vibration is perceptible by a human without the aid of an instrument.

ARTICLE 11
OFF-STREET PARKING AND LOADING

1101. **Required Number of Off-Street Parking Spaces.**

A. Overall Requirements and Applicability.

(1) Number of Spaces. Except as provided below, each use or building that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the Table below and the regulations of this Article 11.

a. In the TC Zoning District, off-street parking requirements may be reduced by 50 percent to serve allowed commercial uses within a building that existed prior to the adoption of this Ordinance. However, this ability to request a parking reduction shall not apply to parking required for the following uses: a) new dwelling units, rooming or boarding house units or a bed and breakfast inn, or b) a hotel or motel.

(2) Uses Not Listed. Uses that are not specifically listed in the Table below shall comply with the requirements for the most similar use listed in the Table below, unless the applicant provides suitable evidence acceptable to the Zoning Officer, based upon actual counts of peak demand at similar facilities, that an alternative standard should be used for that use.

(3) Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as provided in Section 1103.A.(6).

TABLE OF OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. RESIDENTIAL USES: 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit, except: 1.5 for a 2 bed-room multi-family dwelling unit and 1 per dwelling unit for a 1 bedroom or efficiency multi-family dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as on-street parking spaces on the same side of the street adjacent to the homes or an overflow parking lot.	
2. Home Occupation	See Section 603	
3. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if the age limit is 62 and older	1.2 Non-Resident Employee
4. Boarding House or Fraternity or Sorority House	1 per 2 adult residents	1.2 Non-Resident Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
5. Group Home	1 per 2 adult residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
B. INSTITUTIONAL USES: 1. Assisted Living Facility, Personal Care Home, Hospice, or Similar Retirement Community	1 per 6 beds that are not within dwelling units, plus 0.5 for each dwelling unit	1.2 Employees
2. College or University	1 per 1.5 students not living on campus who attend class at peak times, plus one space for every 3 persons living in on-campus housing (other than students forbidden from having a car in the Borough).	1.2 Employees
3. Day Care Center	1 per 12 children, with spaces designed for safe and convenient drop-off and pick-up. The Borough may, at its discretion, approve one or more short-term on-street parking spaces to meet this requirement.	1.2 Employees
4. Hospital	1 per 4 in-patient or out-patient beds	1.2 Employees
5. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 300 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided).	1.2 Employees
6. Nursing Home	1 per 6 beds	1.2 Employees
7. Place of Worship (includes Church)	1 per 5 seats in room of largest capacity. For pews that are not individual seats, each 50 inches shall count as one seat. An accessory Day Care Center is not required to provide additional parking, unless the parking requirements for the Day Care Center would exceed the parking requirements for the Place of Worship.	1.2 Employees
8. School, Primary or Secondary	1 per 4 students aged 16 or older	1.2 Employees
9. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.2 Employees
10. Temporary Shelter	1 per 10 adult residents	1.2 Employees
11. Treatment Center	1 per 3 residents aged 16 years or older plus 1 per 2 non-residents intended to be treated on-site at peak times	Non-Resident Employee
12. Utility Facility	1 per vehicle routinely needed to service facility	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
C. COMMERCIAL USES:	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Adult Use	1 per 50 sq. ft. of building floor area	1.2 Employees
2. Auto Service/Gas Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for "retail sales"
3. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 30 vehicles, boats, RVs or homes displayed. Parking for vehicles offered for sale or rent do not need to meet parking space and aisle dimensions of this Article.	1.2 Employees
4. Bed and Breakfast Use	1 per rental unit plus 2 for the operator's dwelling unit	1.2 Non-resident Employee
5. Bowling Alley or Pool Hall	2 per lane plus 2 per pool table	1.2 Employees
6. Car Wash	1 space per lane for drying and/or vacuuming areas.	1.2 Employees
7. Exercise Club	1 per 300 sq. ft. of floor area accessible to customers	
8. Financial Institution (includes bank)	1 per 300 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	
9. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	1.2 Employees
10. Gaming Establishment	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
11. Golf, Miniature	½ per hole	1.2 Employees
12. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
13. Hotel or Motel	1 per rental unit plus 1 per 5 seats in largest meeting room (plus as required for any restaurant)	1.2 Employees
14. Laundromat	1 per 4 washing machines	On-site Employee
15. Nightclub, Tavern or After-hours Club	1 per 4 persons of allowed building capacity under the Fire Code	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
16. Offices, primarily medical or dental	1 per 300 sq. ft. of total floor area, other than shared lobby space	
17. Offices, other than above	1 per 400 sq. ft. of total floor area, other than shared lobby space	
18. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment) or Business Service Use	1 per 400 sq. ft. of floor area accessible to customers	1.2 Employees
19. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 5 persons of maximum capacity of all facilities	1.2 Employees
20. Outdoor Recreation (other than uses specifically listed in this table)	1 per 5 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
21. Restaurant	1 per 5 seats, or 3 total spaces for a use without customer seats.	1.2 Employees
22. Retail Sales (other than types separately listed and other than a shopping center)	1 per 300 sq. ft. of floor area of rooms accessible to customers.	
23. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding, Floor Coverings or Similar Home Improvements	1 per 1,000 sq.ft. of floor area of rooms accessible to customers	
24. Shopping Center which includes multiple retail establishments on a lot, and which may also include restaurants.	1 per 300 square feet of total floor area, other than non-leasable space such as shared lobbies	
25. Stadium, Arena or Commercial Auditorium	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may also be counted for these uses.	1.2 Employees
26. Theater	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may be also counted for these uses.	1.2 Employees
27. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employees
28. Veterinarian Office	4 per veterinarian	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
E. INDUSTRIAL USES: All industrial uses (including warehousing, distribution and manufacturing)	In addition, parking shall be provided for the maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Article. Also, spaces shall be provided as needed for loading, unloading and delivery. Space also shall be provided for trucks awaiting permission to load or unload. 1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times	For warehousing, distribution and trucking company terminals, see also Section 602. Parking shall also be provided as needed for visitors, such as for job applicants and vendors.
Self-Storage Development	Two, plus room in aisles for temporary parking that allows a second vehicle to pass a parked vehicle	1.2 Employee

B. Reduced Need Populations.
(1) The above table includes reductions in parking for housing limited to persons over certain ages.
(2) In addition, as a special exception use, the Zoning Hearing Board may approve a reduction of up to 50 percent in the required number of off-street parking spaces for an institutional or residential use based upon written evidence that is provided that the typical residents or clients will not be physically able or allowed to operate a vehicle from the site because of their disabilities or similar conditions.

1102. **General Regulations for Off-Street Parking.**

A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: 1) vehicular access onto and off the site, 2) vehicular movement within the site, 3) loading areas, 4) pedestrian patterns and 5) any drive-thru facilities. No parking area shall cause a safety hazard, or an impediment to traffic off the lot.

B. Existing Parking.
(1) If existing parking spaces serve existing uses, such numbers of parking spaces shall not be reduced below the number required by this Ordinance for the current or proposed uses of the property.
(2) If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
(1) If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then

additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

(2) An existing non-conforming deficit in the numbers of parking spaces can be grandfathered. For example, if an existing business would be required to provide 6 spaces and only 3 spaces are provided, and the use changes to needing 8 total spaces, then only 5 total spaces need to be provided (3 existing spaces plus 2 spaces for the change in use).

D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this Ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

E. Location of Parking.

(1) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. The 300 feet distance may be increased to 600 feet for parking serving employees or company vehicles. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.

A. The Zoning Officer may require evidence at any time that shows that the parking continues to be available for the use. If such parking is not available in the future, the zoning permit shall be considered to have been revoked, unless the applicant proves that other parking is provided that meets the requirement.

B. This requirement may be met by a legally binding commitment by the applicant to lease a specific number of parking spaces in an accessible public parking lot or deck.

1103. **Design Standards for Off-Street Parking.**

A. General Requirements.

(1) Backing Onto a Street. No parking area of 4 or more parking spaces shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a driveway that enters onto a local street or a parking court. Parking spaces may back onto an alley.

(2) Except for spaces serving one household, every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.

(3) Parking areas shall not extend into a required buffer yard. New parking spaces shall only be allowed within a street right-of-way where they are specifically approved by the Borough.

(4) Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot. See landscaping provisions in Section 1304.

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

(6) Provisions Allowing Flexibility or Reduction of Parking Requirements.

A. Purposes. To minimize impervious surfaces, while ensuring adequate parking, and to recognize unique circumstances that may justify a reduction in required parking.

B. Reduction. The Zoning Hearing Board may permit a reduction, through the Special Exception process, of the number of parking spaces that would otherwise be required if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.

1. Proof. To prove that fewer parking spaces are needed, in the written application, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
2. Shared Parking. Under this Section, an Applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access or another lot within 500 feet will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
   a. For example, an Applicant may prove that a use with peak parking needs during late evenings or weekends (such as a theater, bowling alley or place of worship) can reasonably share parking with a use with peak parking needs during daytime weekdays (such as a bank or office).
   b. Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation, and shall be guaranteed by a legally binding agreement. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article.
3. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the special exception that the lot include the reservation, permanently or for a specified number of years, of areas sufficient to otherwise meet the required number of spaces, if needed in the future.
   a. Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board such as a legally binding deed restriction and be officially filed with the Zoning Officer.
   b. In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.
   c. Such additional parking shall be required to be provided within one year after the Zoning Officer may determine it to be necessary to meet actual demand. Such determination may be made based upon field analysis by the Zoning Officer.
4. As a special exception, the Zoning Hearing Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking if the applicant proves that there is an excess of on-street parking spaces during hours when the business will have its peak demand.

B. Size and Marking of Parking Spaces.

(1) Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking, except as provided for parking for persons with disabilities in Section "G." below. Larger parking spaces are required for persons with disabilities, as provided below. A maximum of 10 percent of required parking spaces may be 9 by 16 feet if they are clearly marked as "Compact Cars Only" and provided they are not the most conveniently located spaces.

(2) All spaces shall be marked to indicate their location, except those of a one or two family dwelling, and except where stone parking may be allowed.

(3) Motorcycle parking spaces may be provided with a minimum size of 9 by 9 feet. Each two motorcycle parking spaces may count as one required regular parking space, comprising up to 5 percent of the total required number of spaces.

(4) Bicycle parking. If a lot will include more than 10,000 square feet of new commercial building space or 10 or more dwelling units, a bike rack or similar feature shall be provided to allow

locking of bicycles without obstructing sidewalks. For dwellings, a suitable indoor area may be provided, instead of a public bike rack.

C. Parking Aisles. The aisle width of required parking shall comply with the following table:

Parking Angle (in degrees)	Minimum Aisle Width (in feet)*
Parallel to 25	12 (except 20 feet for two-way traffic)
25 to 47	13 (one-way traffic only)
48 to 52	14 (one-way traffic only)
53 to 58	15 (one-way traffic only)
59 to 62	16 (one-way traffic only)
63 to 68	17 (one-way traffic only)
69 to 72	18 (one-way traffic only)
73 to 85	20 (one-way traffic only)
86 to 90	20 (except 24 feet for two-way traffic)

For parking at an angle of 45 degrees or greater, the minimum aisle width may be reduced one foot where the adjacent parking spaces have a width of 10 feet or greater.

Within an underground parking structure or an above-ground parking structure, the minimum aisle width may be reduced by one foot.

D. Driveways.

(1) Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*

	One-Way Use*	Two-Way Use*
Minimum	10 feet	20 feet
Maximum	24 feet	28 feet

* This standard may be revised where PennDOT requires a different standard for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

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

(3) Clear Sight Distances. A driveway shall be designed and located to minimize obstructions to vision by motorists and pedestrians of other traffic. PennDOT also has sight distance requirements for driveways entering onto a State road.

(4) Driveway Setbacks. A new driveway shall be setback a minimum of 5 feet from a utility pole or fire hydrant.

(5) Slope and Width. The slope of a driveway shall not exceed 10 percent within 20 feet of a street right-of-way. The slope and width of a driveway and the clear height above it shall be sufficient to allow access by emergency vehicles.

(6) Driveway Grading. Grading shall allow drainage to continue to gutters, unless an alternative method of drainage is approved.

(7) Number. A lot shall have a maximum of two points of vehicle access onto a street, unless specifically approved otherwise by PennDOT or by the Borough as part of a subdivision or land development. Note - a PennDOT Highway Occupancy Permit is needed for access to a State road, and a similar County permit is needed for access to a County road.

(8) Setback. Driveways and parking areas must be located a minimum of one foot from the side and rear lot line. However, a residential driveway may be located on the lot if it physically abuts a driveway on the adjacent lot. This location will only be allowed if agreed to by the

owners of each lot, and such approval is recorded as a shared driveway on a Borough-approved plan.

E. Paving, Grading and Drainage.

(1) Parking and loading facilities and related driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties. See State regulations for erosion control, which may require the preparation of an Erosion and Sedimentation Control Plan.

(2) Except for landscaped areas, all portions of required parking areas for commercial, industrial, multi-family and institutional uses involving 4 or more spaces, off-street loading facilities and driveways serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Borough.

A. For a residential driveway, only the first 25 feet is required to have such hard surfaces, while the remainder may be crushed stone.

B. Driveways limited to use by emergency vehicles are not required to be paved, provided the Fire Company approves the proposed surface.

C. Driveways and parking that serve public uses, public parks and public recreation areas are not required to be paved.

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

E. If the design and materials are found to be acceptable in writing by the Borough Engineer, portions of parking areas may be covered with a low-dust porous pavement surface that is designed to promote groundwater recharge.

F. For a dwelling, a hard surface may be designed to underlay an entire driveway and parking space or only the tire treads.

(3) Curb Cuts. Entrances to parking spaces shall only occur at lawful driveway locations.

(4) Parking on Residential Front Yards. A motor vehicle shall not be regularly parked within the front yard of a dwelling over an exposed dirt, weed-covered or mud surface, but may be occasionally parked on a mowed grass surface.

(5) See Section 1001 regarding erosion and sedimentation control, and a possible need for a NPDES permit.

F. Lighting of Parking Areas. See "Light and Glare Control" in Section 1007.

G. Parking for Persons With Disabilities.

(1) Number of Spaces. See requirements under the Federal Americans With Disabilities Act (ADA) for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

(2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
(3) Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
(4) Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act, and should include a statement on a sign about the penalties for unauthorized parking. Such signs and/or markings shall be maintained over time.
(5) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.
(6) Note - A separate Borough ordinance addresses placement of an individual handicapped parking space in front of a home.

H. Paved Area Setbacks (including Off-Street Parking Setbacks).
(1) Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets, and to prevent vehicles from entering or exiting a lot other than at approved driveways.
(2) Any new or expanded vehicle parking or vehicle storage area of 4 or more parking spaces that serves a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 8 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 8 feet. This 8 feet width shall be increased to 15 feet for a lot including 30 or more parking spaces that are visible from the street.
A. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
(b) The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
C. The planting strip may be crossed perpendicularly by driveways.
D. The planting strip may consist of vegetative stormwater channels.
E. The following shall be prohibited within the planting strip:
1. paving, except for perpendicular driveway crossings, and except for public street widenings that may occur after the development is completed,
2. fences, and
3. parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.

F. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.

(3) See landscaping requirements in Section 1304.

I. Pedestrian Route. If a parking lot serving commercial uses will include 50 or more new parking spaces, it shall include a designated pedestrian walkway/ wheelchair accessway through the parking lot to at least one major pedestrian entrance, and with a marked pedestrian crossing across any major vehicle route.

1104. **Off-Street Loading.**

A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

B. At the time of review under this Ordinance. the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

D. To the maximum extent feasible, tractor-trailer loading docks shall be designed so that they are buffered from view of dwellings or from adjacent streets by walls or landscaping. However, areas that are only used for short-term unloading of trucks and that do not require use of a dock are not required to be buffered.

1105. **Fire Lanes and Access**.

A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.

B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.

C. The specific locations of fire lanes and fire equipment access are subject to approval by the Borough, after review by Borough Fire Officials.

ARTICLE 12
SIGNS

1201. **Purposes and Applicability.**

A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 1203, and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Article within the applicable District shall be allowed.

C. Changes on Signs. Any lawfully existing sign (including non-conforming signs) may be painted or repaired or changed in logo or message or replaced with a new sign face without needing a zoning permit, provided that the changes do not increase the sign area or height or otherwise result in noncompliance or an increased non-conformity with this Ordinance. See also Section 1212 concerning non-conforming signs. A change to a digital sign shall need a zoning permit.

1202. **Sign Definitions.** See Article 15 of this Ordinance. Miscellaneous Signs are described in Section 1203.

1203. **Miscellaneous Signs Not Requiring Permits**. The following signs shall be permitted by right within all Zoning Districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI-DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESI-DENTIAL LOTS"** (sf)	OTHER REQUIREMENTS
Agricultural Sales or Christmas Tree Sign - Advertises the seasonal sale of agricultural products or Christmas trees.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	Shall only be posted while such products are actively offered for sale.
Charitable Event Sign- Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization, place of worship, school, or charity.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI-DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESI-DENTIAL LOTS"** (sf)	OTHER REQUIREMENTS
Contractor's Sign- Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	12 per sign	20 per sign (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. Shall not be illuminated.
Directional Sign- provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	4, in addition to signs painted on pavement	4, in addition to signs painted on pavement	Directional signs within a residential development shall not be internally illuminated. See also subsection A.4 below concerning signs not readable from a lot line or street.
Flag- a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	Total of 12 sf per lot.	Total of 50 sf per lot.	Flags of governments and flags that simply include colors, or non-commercial art or patterns are not regula-ted by this Ordinance.
Garage Sale Sign- advertises an occasional garage sale/porch sale or auction.	2 per event	2 sf per sign	2 sf per sign	Shall be placed no more than 5 days before the event, and be removed within 24 hours after the event. Shall not be attached to trees or utility poles with metal fasteners.
Home Occupation and Accessory Day Care Sign- advertises a per-mitted home occupation or an accessory day care use.	1	2	8	Shall not be illuminated. Maximum total height of 8 feet above the ground.
Identification Sign- only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	2	8	Maximum total height of 8 feet above the ground.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI-DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESI-DENTIAL LOTS"** (sf)	OTHER REQUIREMENTS
Open House Sign- advertises the temporary and periodic open house of a property for sale or rent.	2 per event	Total maximum of 12 sf per lot.	Total maximum of 50 sf per lot.	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 6 consecutive days.
Political/ Issue Sign- advertises a person or party seeking political office or an opinion on a referendum, political cause or matter of public concern. Political signs shall not be posted on public parks or property owned by the Borough or on a public street right-of-way, except as may be allowed on election day outside of a polling location.	Maximum of 2 sign faces per issue or candidate per lot	Total maximum of 12 s.f. per issue or candidate per lot.	Total maximum of 50 s.f. per issue or candidate per lot.	Shall be removed a max. of 7 days after an elec-tion, vote or referendum if the sign pertains to such a matter. Political signs shall not be placed on property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
Public Services Sign- advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
Real Estate Sign- advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	12	50	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 14 days after settlement or start of lease.
Service Organization/ Place of Worship Sign- an off-premises sign stating name of a recognized incorporated service organization or place of worship and that may include information on times and dates of activities.	2	12	50	Maximum of 2 such signs per such organization or place of worship.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI-DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON-RESI-DENTIAL LOTS"** (sf)	OTHER REQUIREMENTS
Special Sale Signs - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision.	5 per non-residential lot	Not permitted	Total of 50 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum total of 30 days per year (such as 6 times of 5 days each). Such signs shall not flash, be internally illuminated, or obstruct safe sight distances.
Time and Temperature Sign- with a sole purpose to announce the current time and temperature, and which may also include any non-profit public service messages.	1	Not permitted	50	The sign shall not flash.
Trespassing Sign- indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

"sf" = Square feet. "Max." = Maximum.

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

** For the purposes of this Section, a "Non-Residential Lot" shall mean a lot that is occupied by a principal non-residential use or that is within a Commercial or Industrial Zoning District. All other lots shall be considered to be "Residential Lots."

A. In addition, the following types of signs are not regulated by this Ordinance:
   (1) See Section 1201.C. which addresses simple changes of sign faces and messages.
   (2) Historic Sign- sign that memorialize an important historic place, event or person and that is specifically authorized by the Borough or a County, State or Federal agency.
   (3) Holiday Decorations- signs and displays that commemorate a holiday recognized by the Borough, County, State or Federal Government or an individual's own religious holiday, that do not include advertising, and that are posted a maximum total of 90 days per calendar year.
   (4) Not Readable Sign- sign that is not readable from any public street or any exterior lot line.
   (5) Official Sign- sign erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance, motion or resolution, and which exists for public purposes.
   (6) Required Sign- sign that only includes information required to be posted outdoors by a government agency or the Borough.
   (7) Right-of-Way Sign- sign posted within the existing right-of-way of a public street and officially authorized by the Borough, the County or PennDOT, including but not limited to, decorative banners hung from street lights that are authorized by the Borough.

1204. **Freestanding, Wall and Window Signs (On-Premises Signs)**.

A. The following are the on-premises signs permitted on a lot within the specified Districts and within the following regulations, in addition to other signs specifically allowed by this Article. See definitions of the types of signs in Article 15.

ZONING DISTRICT OR TYPE OF USE	**TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS** (from ground level to top of sign structure)	**TOTAL MAXIMUM AREA OF WALL SIGNS**	**TOTAL MAXIMUM AREA OF WINDOW SIGNS**	**TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS**
A. R-1, R-2, R-3 and C-R Districts: with signs in this table limited to allowed principal non-residential uses (such as Places of Worship). For home occupation signs, see Section 603.	8 feet	40 square feet on each side of a principal building for a school or place of worship; 10 square feet on each side of a principal building for other non-residential principal uses.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign on each street the lot abuts, each with a maximum sign area of 40 sq. ft. for a school or place of worship; 10 square feet per street frontage for other non-residential principal uses. See also entrance signs for major residential develop-ments in Subsection F. below.
B. IC, MU, LI and GI Districts: for principal non-residential uses.	20 feet	2 square feet of sign area for each linear feet of building length, on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 60 sq.ft. See note * below for multiple uses. An auto service station shall be allowed an additional 40 sq. ft. of sign area. For drive-through restaurants, see note **.

ZONING DISTRICT OR TYPE OF USE	**TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS** (from ground level to top of sign structure)	**TOTAL MAXIMUM AREA OF WALL SIGNS**	**TOTAL MAXIMUM AREA OF WINDOW SIGNS**	**TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS**
C. TC and any other Districts: for principal non-residential uses. See also additional regulations for the TC district in Subsection H. below.	8 feet	2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached. Projecting or Awning Sign - An additional sign with a maximum sign area of 10 square feet on each of 2 sides may project up to 4 feet outward from the building. See the Construction Code requirements, including the minimum 8 feet clearance over the sidewalk.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 20 sq. ft. in TC See note * below for multiple uses. Sandwich Board Sign - One additional 10 square feet per side portable folding sign is allowed per lot in a location that does not obstruct five feet of width for pedestrian & wheelchair access, and which is kept inside when the business is not open. Such sign shall not have electrical wiring.

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the IC District, if a lot includes 3 such uses, the maximum freestanding sign area shall be 60 plus 20 equals 80 square feet.

** An allowed restaurant drive-through use may also include 2 menu boards with a maximum height of 10 feet and a maximum sign area of 60 square feet per side, provided the signs are not designed to be readable from beyond the property line.

B. Examples of Sign Types

The sign to the right is an example of a projecting sign that is attached to a building.



The sign to the right is an example of a sandwich board sign that is placed on a sidewalk.



The sign to the right is an example of a freestanding sign that is not internally illuminated.



The sign to the right is an example of a freestanding sign that is internally illuminated.

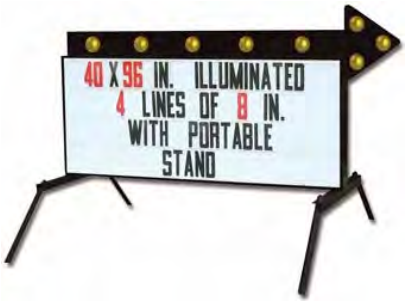


C. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a "parapet roof" that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

D. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

(1) Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.

(2) Portable signs are prohibited in all Districts, except as a temporary Charitable Event sign permitted by Section 1203. The sign to the right is an example of a prohibited portable sign.



(3) Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

E. Signs on Freestanding Walls. An allowed freestanding sign face may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and without the entire wall counting as sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.

F. Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than 5 principal business uses. Such sign area shall be a maximum of 40 square feet and may be attached to a wall that meets subsection E. above. If a development includes 5 to 19 dwelling units, a similar sign with a maximum of 16 square feet shall be allowed. Such signs shall not be illuminated, and shall have a maximum total height of 10 feet above the ground.

The sign to the right is an example of a Major Development Sign that is not illuminated.



G. Landscaping Around a New Freestanding Sign. When a new freestanding sign is proposed with a sign area of 20 square feet or greater, other than a replacement of an existing sign, a landscaped area shall be provided around the sign. Such landscaped area shall be equal or greater in length than the horizontal length of the sign, and shall have a minimum width of 5 feet. Such landscaped area shall be comprised of vegetative ground cover, which may include shrubs. The width may be reduced where necessary to provide for a sidewalk. Curbing or a similar barrier should be used as needed to prevent vehicles from hitting the sign.

H. Sign Guidelines in the TC Town Center District. The following guidelines should apply within the TC District for features visible from a public street:

(1) Awnings should be constructed of fabric or material with a similar appearance, as opposed to glossy plastic. Dome or bubble-shaped awnings and internally lit plastic awnings should be avoided.
(2) Lettering and symbols on wall signs may be painted, carved, raised or mounted on the building. Box-type internally illuminated signs with plastic sign faces are discouraged.
(3) Signs should not cover over original windows or doors that were not already covered at the time of enactment of this Ordinance.
(4) Freestanding and Projecting Signs. Newly installed freestanding or projecting signs should be backlit or lit by exterior lighting that shines directly upon the sign. Projecting signs should be constructed of decorative metal or materials that resemble wood.

1205. **Prohibited Signs and Digital Sign Limits.**

A. The following prohibitions on signs shall apply in all Zoning Districts:

(1) Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 1203. under "Special Sale Signs."
(2) Flashing, blinking, twinkling, animated, scrolling, rotating or moving signs of any type are prohibited. A sign shall not display electronically moving images.

A. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas-season lighting or displays.

(3) Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

(4) Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

(5) Signs that are of such form, shape or color that they resemble an official traffic control sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.

(6) Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.

(7) Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.

(8) Floodlights and outdoor lasers for advertising purposes are prohibited.

B. Digital Signs.

(1) Signs may change their message from time to time provided that each message is visible for a minimum of 8 seconds, except as follows: a) time and temperature signs may change more frequently, and b) if there is an electronically changing sign area of greater than 50 square feet, the sign shall not change its message more frequently than once every 20 seconds. This provision on sign timing shall not regulate signs that are not readable from a public street and that are not readable from any dwelling.

(2) Digital signs are permitted by right in the MU, IC, LI and GI districts. Digital signs shall need special exception approval in the TC district and in a residential district. In a residential district, digital signs shall be limited to allowed principal non-residential uses, such as schools and places of worship.

(3) The nighttime lighting of a digital sign shall not cause a lighting level exceeding 0.3 foot-candles above the ambient light level.

1206. Off-Premise Signs (Including Billboards).

A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 1201.

B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

C. Official Signs. Signs erected and maintained by PennDOT or the Borough are permitted by right in all Districts. Such signs may include official directional signs to destinations.

D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:

(1) District. An off-premise sign is only permitted in the LI District, and may be an accessory use.

(2) Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way. Note - As of 2019, U.S. Route 6 is designated as a scenic byway, which may also affect setbacks.
(3) Maximum Total Sign Area, on Each of 2 Sides. 300 square feet. The two sides shall be arranged so that only one side is readable at one time.
(4) Spacing. Any off-premise sign of more than 50 square feet of sign area shall be separated by a minimum of 600 feet from any other off-premise sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
(5) Maximum Height. 40 feet above the elevation of the street or highway that the sign face is directed towards, measured at the street centerline. The bottom of such sign shall be elevated a minimum of 10 feet above the ground and be designed to be resistant to climbing by unauthorized persons.
(6) Control of Lighting and Glare. See Sections 1007 and 1205. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
(7) Setbacks. No off-premise sign greater than 50 square feet in sign area shall be located within 2,000 feet from: a) the lot line of an existing principal dwelling or b) a residential district boundary.
(8) Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.
(9) This Ordinance shall not regulate the placement of "Tourist Oriented Directional Signs," provided the signs are posted along a public street right-of-way in a manner allowed under PennDOT regulations for such signs or that are approved by the Borough along a Borough street. (Note – These are typically blue signs that direct motorists to various major destinations.)
(10) An off-premises sign shall not be attached to a building.

1207. **General Design, Location and Construction of Signs.**

A. Setbacks.
(1) Signs shall not be located within the existing street right-of-way, except for allowed projecting and sandwich board signs.
(2) A freestanding illuminated sign shall not be located within 10 feet from an abutting lot line of a principal dwelling in a Residential District.
(3) The setbacks in this subsection A. shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

B. Sight Clearance. No sign shall be located in a way that interferes with the sight clearance requirements of Section 1303.C.

C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

D. Permission of Owner. No sign shall be posted on any property unless permission has been received by the owner or entity leasing the property.

E. Signs on Trees, Utility Poles & Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency. A sign shall not be attached to a tree, except allowed temporary signs may be attached with string.

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

G. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except for temporary Christmas season lighting.

H. Banners and Overhanging Signs. Borough Council or their designee may approve the hanging of decorative banners within the street right-of-way (such as from utility poles or street lights) and may approve a sign overhanging across a street to advertise a community event or festival. One approval may cover a set number of years for an event that is held annually. Approval from PennDOT may also be needed if a State road is involved.

1208. **Vehicles Functioning As Signs**. Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the District in which such vehicle, trailer or structure is located.

1209. **Abandoned or Outdated Signs**. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

1210. **Measurement of Sign Area**.

A. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the combined area of all signs on that side of the sign.

B. The sign area shall not include any structural support poles or monument-style areas below the sign message.

C. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest one or two rectangle(s) or triangle(s) that includes all of the letters and symbols.

D. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.

E. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

1211. **Illumination of Signs**. See "Light and Glare Control" in Section 1007.

1212. **Nonconforming Signs.**

A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than

the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.

C. Unlawful Signs. If a sign was placed without a required permit by the Borough, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Section 1406.B.

ARTICLE 13
GENERAL REGULATIONS

1301. **Frontage Onto Improved Streets, Number of Uses or Buildings, Minimum Size of Dwellings.**

A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Subdivision and Land Development Ordinance. This requirement for frontage shall not be met by an "alley," except that a lot with frontage onto a street may be approved to have its vehicle access onto an alley, if the alley has suitable access to the street.

(1) In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Borough standards, provided there are Borough-approved measures to guarantee access to each dwelling from a public street.

B. Number of Principal Uses and Principal Buildings Per Lot.

(1) A lot may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.

(a) For example, if Use One requires a 10,000 square feet lot area and Use Two on the same lot requires a 20,000 square feet lot area, then the lot shall have a minimum lot area of 20,000 square feet.

(b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.

(c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.

(2) A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor and heated floor area, which shall be primarily above the ground level. This 500 square footage may be reduced to 400 square feet for each dwelling unit that is permanently legally restricted to occupancy by at least one person age 55 and older, with no residents under age 18.

D. Maximum Occupancy. A recreational vehicle shall not be used as a residence for more than 5 days in any 30 day period, except as may be approved within a campground. A mobile/manufactured home shall not be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling. A mobile/manufactured home shall not be used as a storage building, except as may be allowed temporarily during on-site construction under a Borough construction permit.

1302. **Height Exceptions**. See Section 502.

1303. **Special Lot and Yard Requirements, Sight Distance and Buffer Yards.**

A. In General.

(1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.

(2) Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. See also the Uniform Construction Code Appendices. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

(1) Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 1502.

(2) Projections Into Required Yards.

(a) Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, slanted exterior doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required setback area not more than 3 feet.

(b) Exterior steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area. However, these features shall not intrude onto another lot, except that a handicapped ramp may be allowed to extend onto a neighboring property if necessary and with written permission of the adjacent lot owner.

(c) For decks and porches, see Section 503.

(3) Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum required building setback line may be reduced to 60 percent of the width that would otherwise be required.

(4) Front Yards. See Section 504.C., which may allow a reduced front yard where adjacent buildings have smaller existing front yards.

C. Sight Clearance Triangles at Intersections. The Subdivision and Land Development Ordinance (SALDO) requires the establishment of sight clearance triangles to protect views of oncoming traffic and pedestrians. If a proposed new building is not required to comply with the SALDO, then this Zoning Ordinance shall require that sight clearance triangles be established. Such sight clearance triangles shall meet the dimensions and calculations that are stated in the SALDO, which are hereby included by reference.

(1) Where an alley intersects with a street, a clear sight triangle shall be required that is 50 feet along the closest cartway of a street and 10 feet long along the centerline of the alley. Where an alley intersects with another alley, a clear sight triangle shall be required that is 15 feet long along the centerlines of both alleys. For example, this sight triangle may require that a rear garage be setback from a corner or that a solid fence be angled near the intersection to avoid intruding into the sight triangle.

(2) For driveway sight clearance, see Section 1103.D.

D. Buffers and Planting Screening. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:

(1) A minimum 8 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot that is developed for a new principal building or principal parking lot and that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling. If the lots are separated by a street or an alley open to traffic, the lots shall not be considered to be contiguous.
   (a) If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 25 feet, and the minimum initial height of plantings shall be increased to 5 feet.
   (b) The presence of a dwelling on the same lot as a principal business use shall not by itself require the provision of a buffer yard.
   (c) Where a buffer yard will be located along a street, it shall be designed with a mix of vegetation that allows views at a 5 to 6 feet eye level into the site, for security purposes.
   (d) A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street or alley:
      1. Along lot lines and street or alley rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
      2. Along lot lines and street or alley rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
   (e) A lot in the TC district is not required to provide a buffer yard, if the lot has a width of less than 40 feet.

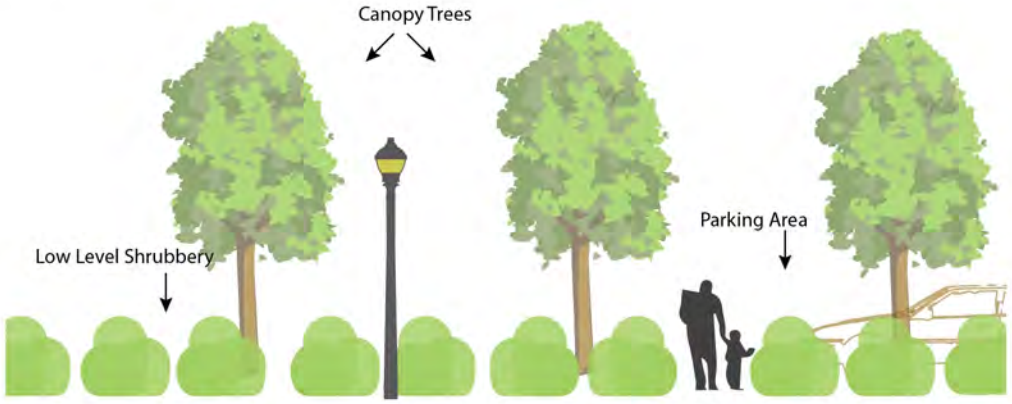
(2) A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the District boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Borough may allow deciduous canopy trees.

(3) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.

(4) Fence. The Borough may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.

(5) Each planting screen shall meet the following requirements:
   (a) Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
   (b) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height, except where views into a site from a street are needed for security purposes, in which case the screen should have a trimmed height of less than 5 feet.

Safety in Parking Areas



To allow visibility into parking areas and to avoid crime, use a mix of low level shrubs and canopy trees with the lowest branches removed. This allows clear views at eye level.

(c) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.

(d) The plant visual screen shall extend the full length of the lot line, except for: a) Borough-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Borough and utility requirements, such as stormwater swales.

(e) Weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

(f) Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

(g) The plant screening shall primarily use evergreen trees.

(h) Modifications. The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard and/or modify other provisions of this Section if the requirements cannot be feasibly met or if the applicant proposes an alternative that would serve the same effect.

(6) Buffer Yard Plans. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:

(a) the location and arrangement of each buffer yard,

(b) the placement, general selection of species and initial size of all plant materials, and

(c) the placement, size, materials and type of all fences to be placed in such buffer yard.

1304. **Landscaping.**

A. A minimum of 10 percent of each lot shall be landscaped in trees, shrubs and vegetative ground cover. The 10 percent shall be reduced to 5 percent for a lot in the TC district. Within a subdivision or land development, such 10 percent shall apply to the entire project, but does not need to be met for each lot, provided that the plan includes standards for each lot to assure compliance with the overall requirement. See also the buffer yard provisions in Section 1303.C.

(1) Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs, except where rocky conditions make it infeasible.
(2) Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
(3) The percent landscaping requirement may be partly met by landscaped areas placed within a portion of a public right-of-way if approved by the Borough. For example, if there is a wide right-of-way that is not entirely needed for a sidewalk, plantings may be approved between the sidewalk and a right-of-way line.

B. Parking Lot Trees. For each 10 new off-street parking spaces, one new deciduous shade tree shall be planted that meets the street tree requirements of Section D. below.

C. Landscape Maintenance. All trees and other landscaping required by this Ordinance or the Subdivision and Land Development Ordinance shall be perpetually maintained by the property-owner. If any landscaping that is needed to meet an Ordinance requirement dies, is removed, or is severely damaged, it shall be replaced by the current property-owner, within a maximum of 180 days. Note - In certain cases the developer will be responsible for replacement within an initial time period under a subdivision requirement.

D. Street Trees. Street trees shall be required when a new principal non-residential or multi-family apartment building is proposed, or along a new street or an extension of an existing street. Street trees are not required where the Borough determines that existing healthy trees proposed to be preserved will serve the same function.
(1) The Zoning Officer may approve other species of trees than those listed below if the applicant provides written evidence based upon published sources or expert opinion to the satisfaction of the Zoning Officer that the trees would be sturdy, attractive, and resistant to disease and road salt, and suitable for the intended location.
(2) A tree required by this Section shall be of the following species. This list shall not regulate types of trees that are not required to be planted by this Ordinance.

Trees Intended to Mature Have a Height of 30 Feet or Less (such as under powerlines):

Acer buergeranum - Trident Maple
Acer campestre- Hedge Maple
Acer tararicum - Tatarian Maple
Acer truncatum - Pacific Sunset Maple
Amelanchier x grandiflora – Serviceberry (beware of sensitivity to road salt)
Carpinus caroliniana – American Hornbeam (beware of sensitivity to road salt)
Cercis canadensis – Eastern Red Bud
Cornus kousa - Kousa Dogwood - Single-stem tree form only
Crataegus crus-galli var. 'Inermis' – Thornless Cockspur Hawthorn (low branches need to be removed on Hawthorns so that the thorns do not harm pedestrians)
Crataegus flava – Yellowleaf Hawthorn
Crataegus laevigata 'Superba' – English Hawthorn
Crataegus viridis – Green Hawthorn
Crataegus x lavallei (tree form) – Lavalle Hawthorn
Crataegus punctata 'Ohio Pioneer' – Ohio Pioneer Hawthorn
Crataegus viridis 'Winter King' – Winter King Green Hawthorn
Prunus x Snow Goose - Snow Goose Cherry
Styrax japonica - Japanese Snowbell

Trees Intended to Have a Mature Height of 30 to 40 Feet:

Acer truncatum – Purpleblow Maple
Acer truncatum x Acer platanoides 'Keithsform' – Norwegian Sunset Maple
Carpinus betulus – European Hornbeam (beware of sensitivity to road salt)
Carpinus betulus 'Fastigiata' – Upright European Hornbeam (beware of sensitivity to road salt)
Gleditsia triacanthos var. inermis – Thornless Honeylocust
Ginkgo biloba (male only) – Maidenhair Tree
Maackia amurensis – Amus Maackia
Parrotia persica (tree form) – Persian Parrotia

Trees Intended to Have a Mature Height of Over 30 Feet:

Acer rubrum – Red Maple
Acer saccharum – Sugar Maple
Celtis occidentalis – Common Hackberry
Eucommia ulmoides – Hardy Rubber Tree
Platanus occidentalis – London Planetree
Platanus x acerifolia 'Bloodgood' – Bloodgood London Planetree
Quercus imbricaria – Shingle Oak
Quercus rubra – Red Oak
Quercus shumardii – Shumard Oak
Tilia americana - American Linden
Tilia cordata - Little Leaf Linden
Ulmus Americana 'Valley Forge' – American Elm 'Valley Forge' (Dutch Elm Disease resistant tree)
Ulmus parvifolia 'Dynasty' – Lacebark Elm
Zelkova serrata 'Green Vase' – Zelkova

Trees Intended for Planting Where There is a Narrow Width Available for a Canopy:

Carpinus betulus 'Columnaris' – Columnar European Hornbeam (beware of sensitivity to road salt)
Carpinus betulus 'Fastigiata' – Upright European Hornbeam (beware of sensitivity to road salt)
Ginkgo biloba 'Magyar' – Magyar Upright Ginkgo
Ginkgo biloba 'Princeton Sentry' – Princeton Sentry Ginkgo
Quercus robur 'Fastigiata' – Columnar English Oak
Quercus robus x Q. alba 'Crimsmidt' – Crimson Spire Oak
Quercus x warei 'Long' Regal Prince – Regal Prince Oak
Zelkova serrata 'Musashino' - Musashino Columnar Zelkova

The following species of trees, as well as other trees with weak trunks, shall specifically not be used to meet Borough requirements, but may be planted on private property in addition to required trees:

Acer sccharinum - Silver Maple
Acer platanoides - Norway Maple
Aesculous species - Horsechestnut
Betula species - Birches
Catalpa species - Catalpas
Malus species - Apple or Crabapple
Ginkgo biloba female - Female Ginkgo

Morus species - Mulberry
Populus species - Poplars
Evergreens - unless the Borough should specifically allow them to be placed on private property adjacent to a street right-of-way in lieu of a street tree if needed to serve as a visual buffer.

(3) If more than 10 trees are required to be planted, then no more than 50 percent shall be of one species.
(4) Quality of Trees. Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated. The developer shall water trees as needed until a property is sold.
(5) Minimum Sizes and Standards. The trunk diameter (measured at a height of 4.5 feet above the finished grade level) of deciduous shade trees required by this Ordinance shall be a minimum of 2 inches.
(6) Planting and Maintenance.
  (a) Trees shall be planted in conformance with good landscaping practices.
  (b) Trees adjacent to or within parking areas shall be properly protected from damage by vehicles by raised curbs, raised earth, protective devices and/or sufficient setback.
(7) Required Number and Spacing of Street Trees. Where required, an average of one street tree shall be planted for every 50 feet of distance along the street right-of-way line on each affected side of the street. Trees shall be distributed along the length of the street, but are not required to be evenly spaced.
(8) Location of Street Trees. The trunks of required street trees shall be planted outside of but immediately adjacent to the street right-of-way, unless an alternative location is specifically approved by the Borough or required by PennDOT.

E. Trees Along Creeks. A perennial creek shall be considered a stream that is designated with a continuous blue line on U.S. Geological Survey topographic maps. When a new principal building is proposed within 100 feet from the centerline of a perennial creek, and the lot includes one or more banks of the creek, and the creek does not include an average of at least 1 tree for every 50 feet of creek length, then one new deciduous shade tree shall be required to planted for every 50 feet of creek length on the lot.
(1) In areas along creeks, it is strongly encouraged to retain or plant shrubs, tall grasses and thick vegetation that will help to filter pollutants from runoff and will stabilize creek banks and minimize erosion. Thick taller vegetation has a much greater environmental benefit along a creek than mowed grass.

1305. **Non-conformities.**

A. Proof and Registration of Non-conformities. The burden of proof shall be upon the applicant to show that a non-conformity is lawful. A property owner is encouraged to request a written statement of non-conformity from the Zoning Officer after providing sufficient evidence.

B. Continuation of Non-conformities.
(1) A lawful non-conforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
(2) Any expansion of, construction upon or change in use of a non-conformity shall only occur in conformance with this section.
(3) If an existing use was not lawfully established, it shall not have any right to continue as a non-conforming use, and it may be the subject of a zoning enforcement action at any time.

C. Expansion of or Construction Involving Non-conformities. The following shall apply, unless the structure is approved under subsection D. below.

(1) Non-conforming Structure.
   (a) The Zoning Officer shall permit a non-conforming structure to be reconstructed or expanded provided:
      1. that such action will not increase the severity or amount of the non-conformity (such as the area of the building extending into the required yard) or create any new non-conformity, or
      2. that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, unless allowed otherwise by this section.
   (b) In the case of a non-conforming structure which is used by a non-conforming use, any expansion shall also meet the requirements of this Section regarding non-conforming uses.

(2) Non-conforming Lots.
   (a) Permitted Construction on a Non-conforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a non-conforming lot provided all of the following additional requirements are met:
      1. The lot must be a lawful non-conforming lot of record;
      2. Minimum setback requirements shall be met, except as is allowed in subsection "(c)" below;
      3. State and Federal wetland regulations shall be met; and
      4. If a septic or well is used, the requirements for such services shall be met.
   (b) Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause the lot to be considered to be a non-conforming lot.
   (c) Reduction of Side Yards. On an existing lawful lot with a non-conforming width, as a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in each side setback if the applicant proves such reduction is necessary to allow a customary addition to an existing dwelling, a replacement of an existing undersized dwelling with a new dwelling, or to avoid the construction of a new dwelling that would be inconsistent with the building width of adjacent dwellings. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.
   (d) Expansion Along a Non-conforming Setback. Where part of an existing one family dwelling (including a townhouse) has a side yard that is smaller than would normally be required, other parts of that dwelling may be expanded along that same side, provided that the building extension does not go beyond the side setback that already exists along that side.

(3) Expansion of a Non-conforming Non-Residential Use. A non-conforming use or a building used by a non-conforming use shall only be expanded if there is compliance with the following provisions:
   (a) An expansion of a non-conforming use shall need special exception approval from the Zoning Hearing Board. However, once in the lifetime of a non-conforming use, the total building floor area or total land area may be increased by up to 5 percent without needing approval of the Zoning Hearing Board.
   (b) The 1) total building floor area used by a non-conforming use or the 2) total land area covered by the non-conforming use, whichever is more restrictive, shall not be increased by greater than 25 percent beyond what existed in the non-conforming use at the time the use first became non-conforming. For example, if the use first became a non-conforming use when the February 1991 zoning ordinance was enacted, then the use shall be limited to a maximum lifetime expansion of 25 percent beyond what existed as of February 1991.
      1. The above maximum increase shall be measured in aggregate over the entire life of the non-conformity. All expansions of the non-conforming use and/or building(s) that occurred since the use originally became non-conforming shall

count towards the above maximum increase. For example, a 15 percent expansion may occur one year, followed by a 10 percent expansion in a different year.

2. The 25 percent maximum expansion of the total land area covered by the use shall not apply to a non-conforming junkyard or scrap yard, which are not permitted to expand.

(c) Any expansion of a non-conforming use shall meet the required setbacks, maximum height and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

(d) An expansion of a non-conforming use shall be limited to the existing lot, and shall not be expanded onto another lot that was not part of the non-conforming use.

(4) Expansion of a Non-conforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of non-conformities are created and d) a non-conformity is not made more severe.

(5) Non-conforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a non-conforming sign. Instead, any expansions or extensions of a non-conforming sign shall comply with this Ordinance. See also Section 1212.

D. Damaged or Destroyed Non-conformities. Except as provided in D.1 below, a non-conforming structure or non-conforming use that has been destroyed or damaged may be rebuilt in a non-conforming fashion only if: a) the application for a construction permit is submitted within 12 months after the date of damage or destruction, b) work begins in earnest within 12 months after the construction permit is issued and continues, c) no non-conformity may be newly created or increased by any reconstruction, and d) the property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

(1) If a non-conforming principal industrial or commercial building is damaged or destroyed by more than 50 percent of its total value, it shall only be rebuilt as a non-conforming use if it receives conditional use approval and meets the following additional standards:

(a) All of the standards in subsection D. above are met.

(b) The property is modified to comply with current landscaping, parking, fencing and buffering requirements.

E. Abandonment of a Non-conformity.

(1) If a non-conforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the use regulations of the District in which it is located, except as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section in subsection D. above.

(2) The applicant shall be responsible to provide clear and convincing evidence if the applicant seeks that the non-conformity that was discontinued for 12 months was not abandoned. Such evidence may include, but not be limited to, evidence of active efforts to sell the property for non-conforming uses (such as advertising expenses or an agreement with a realtor) or active work to improve a building during the time of discontinuance.

(3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

F. Changes from One Non-conforming Use to Another.

(1) Once changed to a conforming use, a structure or land shall not revert to a non-conforming use.

(2) A non-conforming use may be changed to a different non-conforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful non-conforming retail store use to another retail store use or from one lawful non-conforming personal service

use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

(3) Where special exception approval is required for a change of a non-conforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing non-conforming use with regard to:
   (a) Traffic safety and generation (especially truck traffic),
   (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
   (c) Amount and character of outdoor storage,
   (d) Hours of operation if the use would be close to dwellings and
   (e) Compatibility with the character of the surrounding area.

(4) A non-conforming use shall not be changed to a non-conforming Adult Use.

G. District Changes. Any uses, structures or lots that become non-conforming because of a Zoning District change shall be regulated under this Section on non-conformities.

H. Voluntary Replacement of a Non-conforming Structure. A non-conforming structure may be partially or completely replaced with a new non-conforming structure if the following requirements are all met:

(1) A building permit shall be issued within a maximum of 6 months after the building is demolished; and

(2) A new non-conformity shall not be created and any existing non-conformity shall not be made more serious or increased. For example, a vehicle garage with a non-conforming setback may be replaced with a new garage with the same setback on the same side.

1306. Dumpster Screening and Location.

A. This Section addresses waste dumpsters that are not placed within a public street right-of-way. Whenever a site plan is required to be submitted to the Borough, it shall show the proposed location of any waste dumpsters. The Zoning Officer may require that such proposed location be modified to provide compatibility with nearby dwellings, such as to maintain a minimum 70 feet setback from any dwelling to the maximum extent feasible.

B. For the placement of a waste dumpster within a public street right-of-way, written Borough approval shall be required. Such approval may include a time limit and shall establish a location that will not interfere with traffic.

C. If a waste dumpster is not stored within a building and is on the lot for more than 120 days in a calendar year, then it shall be screened from view of any public street or dwelling by decorative masonry wall or weather-resistant solid board fence, with a mostly solid gate.

D. A waste dumpster shall not be kept within a residential district for more than 30 days, except: 1) if it is needed to serve lawful uses on the lot, or 2) if the dumpster is necessary for on-site construction, while a Borough construction permit for the property is active.

1307. Portable Storage Containers.

A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use on the same lot.

B. The following regulations shall apply on a principally residential lot:
(1) A portable storage container shall not be kept on a principally residential lot for a total of more than 2 months in any calendar year, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
(2) A maximum of one portable storage container shall be allowed per lot. A mobile home, trailer or a portion of a vehicle shall not be used as a portable storage container on a residential lot.

C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless the container is necessary to temporarily hold materials for active on-site construction.

D. The following shall apply to any portable storage container:
(1) The container shall not obstruct safe sight distances at intersections.
(2) The container shall not obstruct travel lanes of a street or a public sidewalk, unless specifically authorized by a Borough permit where there is no alternative.
(3) The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Borough. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
(4) The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
(5) A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

1308. **Green Incentives.**

A. See Section 505 regarding solar dimensional provisions. That section allows some flexibility in dimensional requirements. See Articles 3 and 4, which lists where solar facilities are allowed.

B. See Section 502.E., which allows solar energy collection devices to exceed the maximum height.

C. If a building or parking structure includes an approved "Green Roof", the area covered by the Green Roof may exceed allowed maximum building coverage, up to a maximum increase of 20 percent. For example, if a District includes a maximum 30 percent building coverage, and a building footprint equal to 20 percent of the lot is covered by a green building roof, then the maximum total allowed building coverage shall be 50 percent. In such example, an area equal to a minimum of 20 percent of the lot area would need to be covered by a green roof, but not the entire building roof.
(1) In order to be considered a “Green Roof,” such area shall be exposed to direct sunlight at noon-time and shall be covered with vegetation that is designed to absorb stormwater runoff. Vegetation shall be planted in soil or other growing material with a minimum of 4 inches of depth. Up to 10 percent of an area of a Green Roof may include walkways or skylights. If such vegetation dies, it shall be required to be replaced within 150 days.

D. Pervious pavement used for vehicle parking and vehicle movement shall be considered impervious for the purposes of the zoning ordinance impervious coverage requirement, except as follows. The maximum impervious coverage of a lot or a tract may be increased by up to 10 percent of the lot area if a corresponding land area is covered by Borough-approved pervious pavement.
(1) For example, if a lot includes 10,000 square feet, and has a 50 percent maximum impervious surface requirement, and the lot will include 1,000 square feet of pervious pavement, then a maximum of 6,000 square feet of the lot may be covered by impervious surfaces instead of 5,000 square feet. In such example, 5,000 square feet of the lot could be covered with building roofs and paving surfaces that are impervious.

E. This subsection "E." applies if the applicant proves that a new building will be "Certified" or meets a higher standard under the published standards of the Leadership in Energy and Environmental Design (LEED) Certified building, following the latest published standards of the U.S. Green Building Council or its successor entity for New Construction or Building Rehabilitation. In such case, the Certified building may exceed maximum building coverage and/or the maximum impervious coverage by 10 percent for the lot. This incentive may not be added on top of the other building and impervious incentives in this Section.

(1) The applicant is required to have a LEED-certified professional provide a statement in writing to the Borough at each of the following times: a) the land development application, b) at the time of the building permit application and c) at a point half-way through construction. Such statement shall provide a professional opinion that the project will be able to meet the LEED Certification, and specifying the point system that will be used.

(2) If a building fails to meet the requirements for LEED Certification after occupancy, the Zoning Officer shall have the authority to require that the current building owner make sufficient changes to the building and submittals to obtain the intended certification.

F. Applicants are encouraged to provide an electric recharging station for electric motor vehicles, particularly if the use involves a total of 100 or more vehicle parking spaces. Such electric recharging stations shall be permitted by right in all Zoning Districts and may take the place of required parking spaces.

1309. **Setbacks from Pipelines, Natural Gas Compressor Stations and Liquefied Natural Gas Storage Facilities.**

A. Applicability. These pipeline setbacks shall apply for proposed new uses from the right-of-way of a Regulated Pipeline. A Regulated Pipeline is an existing pipeline or a proposed pipeline that has been processed to the point of the advertisement for the final Federal Energy Regulatory Commission public hearing. These setbacks shall apply from a transmission or storage pipeline with an inside diameter of 12 inches or more, but shall not require setbacks from distribution pipelines that directly serve individual users. These setbacks shall only apply from a pipeline that is designed to carry or store petroleum products, natural gas, or hazardous and/or potentially explosive substances. These setbacks shall apply unless a larger setback is required by another Borough requirement.

B. A new dwelling unit shall not be located within 200 feet from: the right-of-way of a Regulated Pipeline or the location of a liquefied natural gas storage, processing or transfer facility.

C. A new or expanded prison, nursing home, personal care center, assisted living center, child day care center, adult day care center, hospital, school or closely similar use that does not allow persons to self-evacuate shall be setback a minimum of 600 feet from the right-of-way of a Regulated Pipeline or the location of a liquefied natural gas storage, processing or transfer facility.

D. A structure or tank used for the bulk storage of potentially explosive materials or a structure or area used for the overnight storage of high explosives shall be setback a minimum of 500 feet from the right-of-way of a Regulated Pipeline. This provision shall not apply to customarily accessory tanks for cooking or heating of an on-site building.

E. Any other new principal building that is not addressed by subsections B, C or D above shall be setback a minimum of 100 feet from the right-of-way of a Regulated Pipeline or the location of a liquefied natural gas storage, processing or transfer facility or a bulk liquid or gas fuel storage facility for off-site use.

F. A new natural gas pipeline compressor station shall be setback a minimum of 750 feet from an existing dwelling and a minimum of 500 feet from a residential district, and shall only be allowed as a conditional use in the GI district.

G. Jessup Borough and its officials and consultants do not provide any guarantee that the setbacks in this section are sufficient to protect public health and safety. Persons proposing to construct a use within proximity to a pipeline are encouraged to provide additional setbacks and to consult research on the subject. (Note - One example of available research is available at https://www.nap.edu/read/11046/chapter/10, which includes the following chart of expected hazard radii in Figure A.)

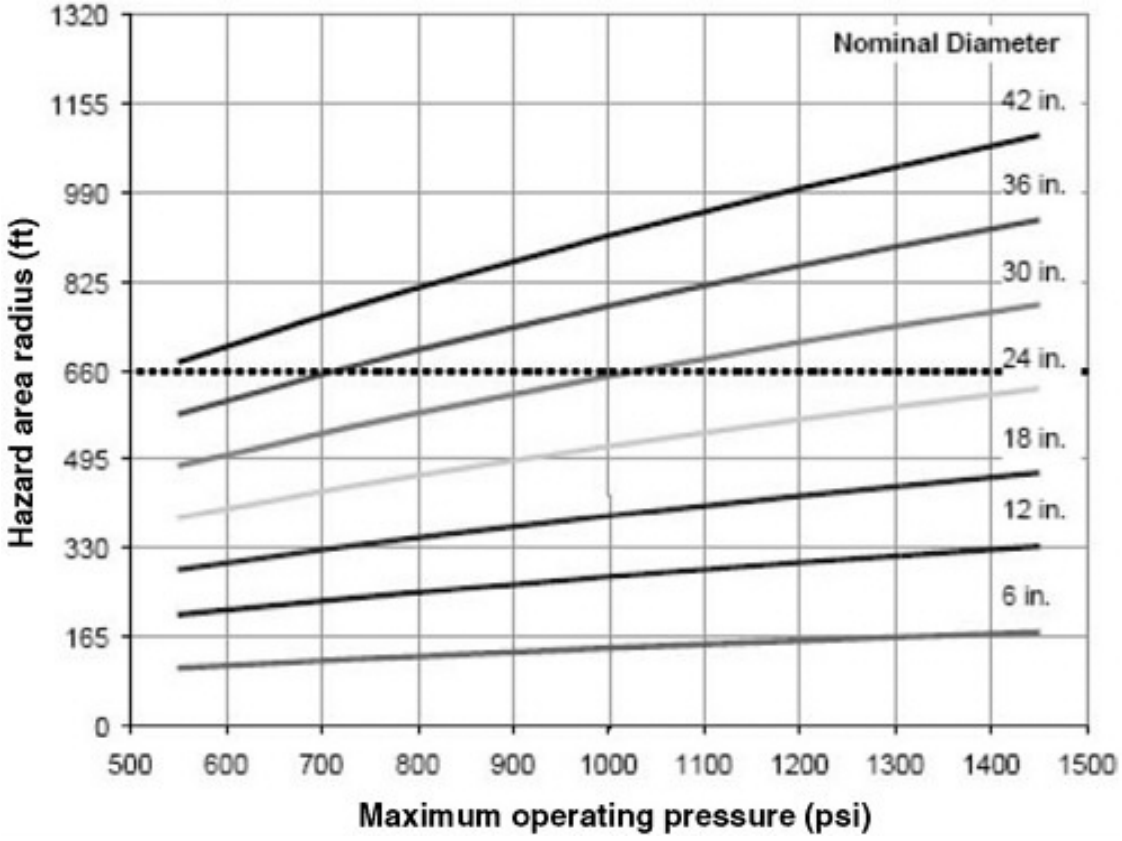


Figure A - Example of Research Regarding Expected Hazard Radii From Pipelines Carrying Hazardous Substances

ARTICLE 14
ADMINISTRATION

1401. **Applicability of This Ordinance**. This Zoning Ordinance shall apply throughout the Borough of Jessup. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

1402. **Purposes and Community Development Objectives**. This Ordinance is hereby adopted:

A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code ("the MPC"), as amended,

B. to carry out the following major community development objectives:
(1) to serve the goals and objectives of the Borough of Jessup Comprehensive Plan, which are hereby included by reference, and the goals of the Lackawanna-Luzerne Counties Comprehensive Plan and the Borough of Jessup Comprehensive Plan,
(2) to conserve environmentally sensitive lands,
(3) to promote traditional styles of development and strong neighborhoods,
(4) to provide compatibility between various types of and uses, and encourage compatible mixes of uses,
(5) to provide for a variety of residential densities and housing types,
(6) to direct industrial development and intensive commercial development to locations that will minimize conflicts with homes,
(7) to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
(8) to promote pedestrian-friendly and bicycle-friendly patterns of development.

1403. **Permits and Certificates; Temporary Uses.**

A. Applicability.
(1) Any of the following activities, or any other activity regulated by this Ordinance, shall only be carried out in conformity with this Ordinance, and shall need a zoning permit:
(a) Erection, construction, movement, placement or extension of a structure, building or sign, including but not limited to a fence or wall that is more than 3 feet in total height,
(b) Change in the type of use of a structure or land, or expansion of a use,
(c) Creation of a lot or alteration of lot lines,
(d) Creation of a new use,
(e) Demolition of a principal building,
(f) Site Alterations or Mineral Extraction as defined by Section 1502, and/or
(g) Construction of a motor vehicle driveway or parking lot.

(2) Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance, to the best knowledge of the applicable Borough Staff.
(a) A Zoning Permit is required to be issued prior to the start of any of the activities regulated by subsection "A.(1)" above.
(b) The Borough may, at its option, issue combined or separate Construction Permits and Zoning Permits and/or may utilize a single or separate applications for such permits. (Note - Construction Permits address matters under the Statewide Uniform Construction Codes, and involve matters that are separate from zoning).
(c) Both principal and accessory uses and structures shall need a zoning permit, except that the Borough may not require an individual zoning permit for accessory uses that are customarily incidental to a principal use that has received a zoning permit.

(3) Certificate of Occupancy.
(a) Prior to occupancy of a new or expanded building, or in the change of the type of use of a building, a Certificate of Occupancy is typically required under the Uniform Construction Codes (UCC).

(b) The Borough Staff may require that a Certificate of Occupancy be delayed or that only a temporary conditional Certificate of Occupancy be issued if there are outstanding ordinance compliance issues.

B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure, or an increase in height, or an increase in density, or other activity regulated by this Ordinance shall not require a Zoning Permit. (However, a Construction Permit may be needed for such work.)

C. Types of Uses.
(1) Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if the application meets all of the requirements of this Ordinance.
(2) Special Exception Use. This type of use requires a written approval by the Zoning Hearing Board following a hearing.
(3) Conditional Use. This type of use requires a written approval by Borough Council following a hearing.

D. Applications and Site Plans.
(1) Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff-person.
(2) Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new structure, expansion of a structure, addition of impervious surfaces, or other exterior physical changes to the site. The site plan shall be drawn to scale and show the following:
   (a) locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
   (b) notes showing the dimensions of all buildings from lot lines and street rights-of-way,
   (c) locations of any watercourses and any 100 year floodplain,
   (d) proposed lot areas, lot widths and other applicable dimensional requirements,
   (e) locations and widths of existing and proposed sidewalks,
   (f) a north arrow and scale.
(3) Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
   (a) the address of the lot,
   (b) name, mailing address and daytime phone number of the applicant, and of the owner of the property if different from the applicant, and of a person (such as an attorney, contractor, architect or engineer) who is serving as an agent for the applicant on this project, as well as email addresses if available,
   (c) if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease or a signed letter from the landowner, to demonstrate that the applicant has the legal right to make the application,
   (d) a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
   (e) all other applicable information listed on the official Borough application form,
   (f) if the applicant is incorporated, the legal name and day telephone number and mailing address of at least one primary officer of the organization/corporation,
   (g) such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance,
   (h) a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting, and/or a description with a date of any such relevant approvals that were previously granted for the property, and
   (i) signed acknowledgment of the application by the applicant.
   (j) If a separate submittal will be made to address other ordinances of the Borough (such as the SALDO or Stormwater Ordinance), the additional submission requirements of such

ordinances do not need to be met at the Zoning application stage. However, compliance with such ordinances is an automatic condition of any zoning approval, as applicable.

(4) Submittals to the Board. In addition to the information listed in parts "(2)" and "(3)" above, an application requiring a site plan and action by the Zoning Hearing Board or conditional use shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
   (a) the present Zoning District and major applicable lot requirements,
   (b) for a non-residential use:
      1. a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
      2. a list of the maximum hours of operation,
   (c) a listing of any sections of this Ordinance for which a variance is being requested, with the reasons for such request,
   (d) approximate locations of principal buildings and locations of streets and alleys and Zoning District boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
   (e) information on proposed exterior lighting,
   (f) name and address of person who prepared the site plan, and
   (g) such additional information required under applicable sections of this Ordinance.

(5) Ownership. No person other than a “landowner” or their specifically authorized agent or a tenant or lessee with written authority or permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 15, which includes an equitable owner).

(6) Site Plan Review. If the Zoning Officer determines that an application will have significant impacts upon surrounding properties or will involve complex site plan matters, the Zoning Officer may offer the Site Plan for review by the Planning Commission and/or Borough Council. In such case, the applicant may be required to submit additional copies of the site plan to the Zoning Officer in advance of the meeting. The Council or Planning Commission may provide advice to the Zoning Officer concerning ordinance matters, as well as advisory comments to the applicant.
   (a) This process is primarily designed for situations when a Land Development Plan will not be required under the Subdivision and Land Development Ordinance, or when zoning approval matters are intended to be addressed prior to the Land Development Plan submittal.

E. Issuance of Permits.

(1) The zoning permit and construction permit involve two different sets of regulations. Any zoning permit is issued with an automatic condition that the applicant must also meet all applicable Construction Codes.

(2) At least one copy of each zoning permit application and any other zoning approval shall be retained in Borough files.

(3) PennDOT Permit. Where necessary for access onto a State road or work within a State right-of-way, a Borough zoning permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

(4) The Borough may delay the final issuance of a Construction Permit or Occupancy Permit until a required PennDOT Highway Occupancy Permit has been issued, any required subdivision and land development approval has been obtained, a new lot has been recorded, and/or erosion and sedimentation control approvals have been obtained. However, if all other permits and approvals have been obtained, a Construction Permit may be issued conditioned upon pending final issuance of a PennDOT Permit.

(5) Compliance with Subdivision and Land Development Ordinance (SALDO). If a application under this Ordinance would also be regulated by the SALDO, then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

F. Revocation of Permits; Appeal of Permit or Approval.

(1) Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:

(a) a material false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
(b) upon violation of any condition lawfully imposed a special exception use approval, conditional use approval, variance or subdivision or land development approval;
(c) any work being accomplished or use of land or a structure in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
(d) for any other just cause set forth in this Ordinance.

(2) Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions and determinations under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC), provided that the time periods for such appeals in the MPC are met. (As of the adoption date of this Ordinance, such provisions were primarily in Sections 914.1 and 1002.A.).

G. Zoning Permit for Temporary Uses and Structures.

(1) Temporary Uses.
(a) A Zoning Permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events, provided that:
1. Only an established nonprofit organization, governmental agency or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a Borough-sponsored festival or Borough-sponsored special event shall be eligible to receive approval for commercial-type activities in a District where a commercial use would not otherwise be permitted;
2. Such total events in a residential district shall each be limited to a maximum of 10 total days per calendar year (except for activities sponsored by the Borough of Jessup); and
3. The Zoning Officer may require that the applicant prove that sufficient parking, sanitary facilities, emergency access, refuse collection, and traffic control will be available for the special event.
(b) A Zoning Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Borough permit.
(c) In addition, Christmas Tree sales shall be permitted by right in Commercial and Industrial Districts, and on property owned by the Borough with permission of the Borough, or as an accessory use to a Place of Worship.
(d) The Borough may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling when the development is complete. Alternatively, a modular sales office may be allowed by the Borough, provided it is removed completely when the development is complete.
(e) Portable Storage Containers – See Section 1307.
(f) Tents shall meet setbacks that apply to accessory uses and shall not obstruct safe sight distances.
1. Tents within non-residential districts are permitted to be erected for no longer than 90 total days per calendar year.
2. Tents within residential districts are permitted to be erected for no more than 20 total days per calendar year.
(g) Accessory Retail Sales of the following items that were grown by a resident of the same property are allowed in any district: fruits (and their juices), vegetables (and their juices), flowers, plants, herbs and spices.
(h) Garage sales are allowed as provided in Section 603.

(2) Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause, and may be issued for more than one year for a recurring event.

(3) Temporary Commercial Sales.

(a) Except as may otherwise be allowed by subsection "(1)A." above or other sections of this Ordinance, a lot shall only be used for temporary commercial sales if all of the following conditions are met:
1. The property shall be located within a Zoning District that allows such use.
2. No more than 5% of the off-street parking spaces that are required to serve occupied permanent uses shall be obstructed by the temporary use.
3. Any signs visible from a public street shall comply with this Ordinance.
4. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
5. A zoning permit shall be required from the Borough, which shall be displayed while the activity is open for business.
6. The use shall not obstruct safe sight distances at intersections and driveways.
7. Any fireworks sales or storage shall only occur in a structure that has met fire safety inspections, and the operator of any fireworks sales use shall make any area or vehicle used for fireworks sales or storage available for regular inspection by local police, codes and fire officials. Any sale of "Class C" fireworks or "display fireworks" under State regulations shall be limited to an industrial district and be limited to within a building, and shall not occur within a tent.
8. Electric generators that generate noise heard inside a dwelling on another lot and tanks of explosive substances shall not be placed within 100 feet of a dwelling.

(b) This subsection G.1. shall not regulate temporary vendors who are authorized to operate during a Borough-sponsored parade or festival.

(4) Sidewalk Cafes or Sidewalk Food Cart or Food Trucks. See Section 603.

1404. **General Procedure for Permits**.

A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

1405. **Interpretation.**

A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Borough Ordinance.

B. Uses Not Specifically Regulated. See Section 205.

C. Interpretation of Ordinance Text and Boundaries.
(1) The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor or Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
(2) If an applicant or another affected party disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in their favor, the applicant or other party may appeal to the Zoning Hearing Board. See Section 1411.

D. Undefined Terms/ Interpretation of Definitions. See Section 1501.

1406. **Enforcement, Violations and Penalties**. All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code (MPC), as amended are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

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

(1) Failure to secure a zoning permit prior to any of the following: a change in accessory or principal use of land or structure, or the erection, construction or alteration of any principal or accessory structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;

(2) Placement of false statements on or omitting relevant information from an application for a zoning permit;

(3) Undertaking any action in a manner which does not comply with a zoning permit;

(4) Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or

(5) Violation of any condition imposed by a decision of the Borough Council in granting a conditional use or other approval; or

(6) Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.

B. Enforcement Notice. If the Borough has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the MPC, or its successor section. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board. The denial of a conditional use, special exception use or variance may also be appealed to the County Court.

D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the MPC are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

(1) Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge who determined that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to the Borough for the general use of the Borough. Imprisonment is not authorized under this Ordinance.

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

E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

F. Stop Work Order. Unless otherwise provided by State law during a time allowed to file an appeal or while a valid zoning appeal is actively being considered by the Zoning Hearing Board or a court, the Zoning Officer shall have the authority to require that work on the property be suspended if it not being conducted in compliance with valid Borough permits and/or that an unauthorized use be discontinued. A written notice by the Zoning Officer shall be required.

1407. **Fees**. A Borough fee schedule for permits and applications may be established, which may be amended by ordinance or written resolution of the Borough Council. No application or appeal shall be considered filed until all fees are paid.

1408. **Amendments to this Ordinance**. Within the requirements of the MPC, the Borough Council may amend, or repeal any or all portions of this Ordinance on: 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner, Borough committee or the Planning Commission. Note - The MPC requires legal advertisements, a public hearing, and a majority vote by Council (among other provisions) before a zoning amendment may be adopted.

1409. **Curative Amendments**. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

1410. **Zoning Officer.**

A. Appointment. The Zoning Officer(s) shall be appointed by Borough Council. The Borough Council may designate other Borough Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer, under the direction of the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.

B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
(1) administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
(2) conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
(3) keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
(4) review proposed subdivisions and land developments for compliance with this Ordinance;
(5) take enforcement actions as provided by the MPC, as amended;
(6) maintain available records concerning non-conformities, provided that the Borough is not required to document every non-conformity; and
(7) serve such other functions as are provided in this Ordinance. If authorized by the Borough, the Zoning Officer may also assist with administering the SALDO and other Borough ordinances.

C. Records. Records of the Zoning Officer should be made available for review through the Borough Offices, through paper or scanned files, electronic files, a online connection, or similar mechanism, with periodic updates.

1411. **Zoning Hearing Board Actions and Variances.**

A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the Borough appointed by a majority vote of the Borough Council. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough and shall not be employed by the Borough in another capacity.

(1) Alternate Members. Borough Council may appoint up to 3 alternate members of the Zoning Hearing Board, within the applicable provisions of the MPC, and who shall serve as provided in such law. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).

(2) Expenditures. Within the maximum amount of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Borough Council may by resolution authorize compensation for members and alternate members for the performance of their duties.

B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. Organization. The applicable provisions of the MPC shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906A., (b) and (c) of such Act).

D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:

(1) Appeal of a Decision by the Zoning Officer.
   (a) The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
   (b) See time limitations for appeals in the MPC.

(2) Challenge to the Validity of the Ordinance or Map. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).

(3) Variance.
   (a) The Board shall hear requests for Variances filed with the Borough Staff in writing on the official Borough application *form.*
   (b) Standards. The Board shall only grant a variance within the limitations of State law. As of the adoption date of this Ordinance, the MPC provided that all of the following findings must be made, where relevant:
      1. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located;
      2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;
      3. Such unnecessary hardship has not been created by the appellant;
      4. The Variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
      5. The Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
   (c) In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
   (d) A variance runs with the property, and can apply to future owners of the property. A variance applies in perpetuity, unless it is limited by a condition of the Zoning Hearing Board. A variance cannot be transferred to a different property.

(4) Special Exception. See Section 1416.
   (a) The Board shall hear and decide requests for all Special Exceptions filed with the Borough Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance.
   (b) A special exception runs with the property, and can apply to future owners of the property.

(5) Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning

Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

(a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.

(b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.

(c) Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

(6) The Zoning Hearing Board shall also hear any other matters as set forth in the MPC. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)

E. Time Limits for Appeals. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)

F. Stay of Proceedings. The Stay of Proceedings provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)

G. Time Limits on Permits and Approvals.

(1) After a Variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and construction permits shall be secured by the applicant within 18 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within the time period specified in construction permits. If construction permits are not required, then the work shall be completed within 18 months after issuance of a zoning permit, unless an extension is granted under subsection "B." below.

(a) However, if a Variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved.

(b) The Zoning Hearing Board or Borough Council may provide for a differing time period in their approval, such as to allow time for a phased project to be completed.

(2) Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work under a zoning permit.

(3) If an applicant fails to obtain the necessary permits or fails to begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed rescinded by the Borough.

H. Multiple Applications. No more than one application for the same portions of the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

1412. **Zoning Hearing Board Hearings and Decisions**. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

(1) Ad. Public Notice shall be published, as defined by Section 107 of the MPC, or its successor section. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered and the affected street address.

(2) Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. If the Borough Staff does not volunteer to post the property, then the applicant shall be required to post it. The applicant shall make a good faith effort to make sure that such notice remains posted until the hearing.

(3) Persons Given Notice. The Borough shall provide written notice to the Applicant of the time and place of the hearing. The Borough should also provide notice to the members of Borough

Council, the Chairperson of the Planning Commission, and to the primary last known primary record owner of each lot that is abutting or immediately across a street, alley or railroad or that is within a 200 foot radius from the subject lot. Failure to provide such notice(s) shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be provided to the last known address.

B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

C. Decision/Findings.
(1) The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
(2) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
(3) References shall be provided to the most pertinent section(s) of this Ordinance and/or the MPC.

D. Notice of Decision. A copy of the final decision or, where no decision is called for, of the findings, shall be provided to the applicant. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties). A copy of a decision should also be provided to the President of Borough Council and the Chairperson of the Planning Commission.

E. See also Section 908 of the MPC regarding Zoning Hearing Board actions, or its successor section.

1413. **Appeals to Court**. The provisions for appeals to court that are stated in the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

1414. **Limited Public Utility Exemptions**. See the provisions of the MPC. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

1415. **Borough, Authority and Governmental Uses**. This Zoning Ordinance shall apply to uses or structures owned by the Borough of Jessup, another municipality, a municipal authority or a county government.

1416. **Special Exception Use Process.**

A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

B. Special Exception Procedure.
(1) A Site Plan shall be submitted, which shall contain the information required in Section 1403.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
(2) The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
(3) The Zoning Hearing Board shall follow the procedures provided in Section 1412.
(4) Time Limits. See Section 908 of the MPC, or its successor section.
(5) *The Borough Planning Commission shall be provided with an opportunity to review a special exception application.* However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.

C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

(1) Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance. The applicant shall also prove compliance with regulations of the Subdivision and Land Development Ordinance that have direct impact upon the zoning site plan, provided that stormwater, grading, profiles and similar engineering information may be addressed as part of a separate SALDO application.

(2) Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable Borough, state and federal laws, regulations and permits, such as PennDOT and DEP permits. All zoning permits are automatically conditioned upon an applicant showing compliance with the Borough Stormwater and SALDO ordinances prior to construction, if they are applicable. See Section 1403.E. regarding other permits and approvals.

(3) Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.

(4) Site Planning. The application shall include proper site layout, internal circulation, parking layout, and loading facilities in order to safely operate the use with minimal negative impacts upon neighboring properties and streets.

(5) Neighborhood. The proposed use shall not substantially negatively change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation and proposed buffering and setbacks.

(6) Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

(7) Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of a construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Ordinance.

1417. Conditional Use Process.

A. The conditional use process shall occur in the same manner as the special exception use process under Section 1416, with the same procedures and standards, except that the hearing shall be held and decision shall be made by the Borough Council.

B. When a conditional use is to be approved, conditions on the approval shall tie the approval to a specific maximum size, intensity and/or site plan. Any further expansion beyond the stated approval shall need a new conditional use approval.

1418. Duties of the Planning Commission.

A. The Borough Planning Commission shall serve such duties as provided in Article II of the MPC. Such duties include but are not limited to the following:

(1) Providing reviews as provided in this Ordinance.

(2) Providing reviews under the Subdivision and Land Development Ordinance (SALDO) of proposed subdivisions and land developments.

(3) Providing recommendations in regards to amendments to the Zoning Ordinance or the SALDO.

1419. **Liability**.

A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

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

ARTICLE 15
DEFINITIONS

1501. **General Interpretation**. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

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

1502. **Terms Defined**. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building. If a certain building is larger in total floor area than the principal building on the lot, then that certain building may not be considered to be an accessory building.

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

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

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons, based upon the total number of patrons in the entire use and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Store. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, video and other electronic media, periodicals, coin- or token-operated video, paraphernalia or novelties which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Use. This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A club or commercial use that allows the entry into the premises and the consumption of alcohol by multiple members or customers within the premises after 2 AM and before 6 AM.

Alley. A vehicle thoroughfare serving 3 or more lots and which has a cartway of less than 14 feet of pavement, and which typically provides rear or secondary access to the lots.

Alteration. As applied to a structure, a change to or rearrangement of the structural parts or exterior appearance of such structure, or any expansion thereof, whether by extension of any side or by any increase in height, or the moving of such structure from one location to another.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Amusement Park. A commercial entertainment use that includes outdoor and/or indoor rides, as well as food sales and related recreation activities, but which does not include any “Adult Use.”

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use. The burial of properly cremated animals is not regulated by this Ordinance.

Animal Shelter. A type of “Kennel” that serves a non-profit purpose and promotes the adoption of animals.

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

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

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Municipalities Planning Code (MPC), who has filed an application for development, including his heirs, successors and assigns.

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

Attic. An upper level space of a building that does not meet the standards of a "story."

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 602.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 602.

Auto Service Station (or "Gas Station"). An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 602.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 602 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 602.

Billboard. See Article 12.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of "unrelated persons." A Boarding House shall not include a use that meets the definition of a Hotel, Dormitory, Motel, Personal Care Center, Bed and Breakfast Inn, Group Home or Nursing Home. A Boarding House may either involve or not involve the providing of meals to residents, but shall not include a Restaurant open to the public unless the use also meets the requirements for a restaurant. A Boarding House shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough. Borough of Jessup, Lackawanna County, Pennsylvania.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 64.

Build-to-Line. A line parallel to the street right-of-way that may be established to require a certain front building setback.

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

definition of "Structure." Any Structure involving a permanent roof (such as a covered porch or a carport) that is attached to a Principal Building shall be considered to be part of that Principal Building. A parking structure of two or more levels shall also be considered to be a Building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof, except for incidental roof overhangs.

Building Height. The vertical distance from the average of the finished ground level along the front of the building to the maximum height of the highest roof surface. If there is any question about which side is the front of the building, it shall be the side that is closest to a public street. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building Permit. See "Construction Permit."

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

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

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

BYOB Club. A club or commercial use that is open to customers past the hour of midnight and which involves payment of a membership fee or a cover charge for entry, and which allows customers to bring alcoholic beverages that they consume on the premises. This shall not include a use that derives more than 80 percent of its revenues from the sale of food and non-alcoholic drinks. Such use shall not be open between the hours of 2 AM. and 6 AM. Such use shall not include an Adult Use unless the requirements for an Adult Use are met.

Cemetery. A place used for the burial or internment of 2 or more non-cremated humans. The burial or internment of properly cremated humans is not regulated by this Ordinance, except as is provided for structures under the Cemetery provisions in Section 602.

Certificate of Occupancy. A form signed by an authorized Borough official that certifies that the use of the property is in compliance with Borough Ordinances, to the best knowledge of such Borough official.

Change of Use. The initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category on the Use Tables in Articles 3 and 4, shall not be considered a change of use.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Clear Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 1303.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 602. This term shall not include a "standard antenna."

Commercial District. The TC, IC and MU Districts.

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

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

Community Garden. An open space area that is used for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one household.

Conditional Use. A use that may listed as a conditional use under the Tables of Allowed Uses, and which is only allowed after review by the Borough Planning Commission and approval by Borough Council.

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

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

Construction Permit. A permit that is issued by a Borough Construction or Codes Official that authorizes the completion of certain work that is authorized under the Uniform Construction Codes.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A type of retail store that includes less than 10,000 square feet of building floor area and that mainly serves ready-to-eat food and beverages for primarily off-site consumption, as well as other common household items. This use may also include a gas station if the requirements for such use are also met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See “Livestock and Poultry, Keeping Of.”

Criminal Halfway House. A use involving any one or a combination of the following:

A. A use (other than a prison or a State-licensed hospital) providing housing for 5 or more unrelated persons who:
   1. are ordered by a court to reside within a supervised facility to allow criminal rehabilitation, typically after they have completed a sentence in a prison, and/or

2. need supervision because of a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

B. A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

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

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

A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.

B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children, in addition to sons or daughters of a parent or official guardian who is an on-site care giver. See Section 603. When registration is required by State regulations, such use shall provide evidence to the Zoning Officer of having a certificate of registration from the applicable State agency*.

C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time, in addition to sons or daughters of a parent or official guardian who is an on-site care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*

D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time, in addition to sons or daughters of a parent or official guardian who is an on-site care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Section 602.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Human Services.

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

DEP. Shall mean the Pennsylvania Department of Environmental Protection.

Distribution Center. An industrial facility where products are stored on-site temporarily for the purpose of delivery to another destination, such as a retailer or household. Such use may include refrigerated facilities, and shall include facilities to organize and retrieve products and for loading and unloading involving trucks. A distribution center typically, but not necessarily, primarily involves tractor-trailers bringing products to the facility, and tractor-trailer trucks bringing products from the facility. See also the definition of a "Warehouse" in this section.

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

Dog Day Care. A commercial use that provides activities and supervision for 5 or more dogs at a time, and which may also serve other domestic animals, and which does not primarily provide overnight boarding unless the requirements are also met for a kennel.

Dormitory. A building housing full-time students of a boarding school or an institution of higher education, and which does not meet the standards for individual dwelling units.

Drive-through Facility or Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. An improved privately-owned vehicle travel-way from a street to provide motor vehicle access to a parking area or building on a lot.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types. This Ordinance categorizes dwellings into the following types:

A. Conversion Apartment. A new dwelling unit created within an existing building and that meets the floor area requirements of Section 1301.C.

B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, single family semi-detached dwelling or single family attached dwelling (townhouse), or one or more dwelling units above a commercial use. The individual dwelling units may be leased or sold for condominium ownership.

D. "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the State Construction Codes and not the Federal requirements for Manufactured Housing.

E. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.

1. Mobile/Manufactured Home. For a dwelling constructed after 1976, this term shall mean a dwelling that was constructed under the Federal construction requirements for “Manufactured Housing” under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before the HUD Standards were effective, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

   This term is different from a “Modular home," which is defined above. See standards for "Mobile/manufactured home" in Section 602.

F. Single Family Semi-Detached. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.

G. Townhouse (or Single Family Attached Dwelling). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 602.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 602.

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

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

Family. One or more individuals related by blood, marriage, civil union or adoption (including persons receiving formal foster care) or 4 or fewer unrelated individuals who maintain a common household, occupy shared kitchen and living spaces and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 602 residing within a licensed group home, as defined herein. Through those provisions and the ability to request a reasonable accommodation under Section 1411.D.5, it is the Borough's intent is to comply with the Federal Fair Housing Act and the Americans With Disabilities Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, masonry block or similar materials shall be considered a "wall." See Section 603.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of this term and related terms in Article 9.

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

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

Fraternity or Sorority House. A building that provides residences for organized incorporated groups of full-time college students as well as facilities for shared dining and social activities, and which does not involve separate dwelling units with their own kitchens and bathrooms.

Gaming Facility, Licensed. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 603.

Gas Station. Shall have the same meaning as "Auto Service Station."

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 1007.

Government Facility, Other than Borough Government Facility. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Borough of Jessup or an authority created solely by

Borough of Jessup. This term shall not include uses listed separately in the Table of Allowed Uses, such as "publicly owned recreation." This term shall not include a prison.

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

A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
C. A Group Home shall not include a "Treatment Center."
D. See standards in Section 602, and accommodations provisions in Section 1411.D.5.
* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

Half Story. See the definition of "Story."

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes materials which are included on the latest edition of the following list:

A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. The ground level shall not be artificially mounded under the structure to allow a taller height. For height of signs, see Article 12 entitled "Signs."

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 603.

A. General Home Occupation. A Home Occupation that does not meet the definition of a Low Impact Home Occupation.
B. Low Impact Home Occupation. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. 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 more than one employee, other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights, except for one home occupation sign allowed by Article 12.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

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

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. A hotel shall not rent rooms for time periods of less than 24 hours. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable District regulations.

Industrial Districts. The LI and GI Districts.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot.

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

Impervious Surfaces. Areas covered by buildings, paving, concrete, vehicle parking areas, or driveways, as well as any other man-made surfaces that have a runoff coefficient of 0.8 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under this Ordinance. (Note - A different definition may apply under the Stormwater Ordinance.)

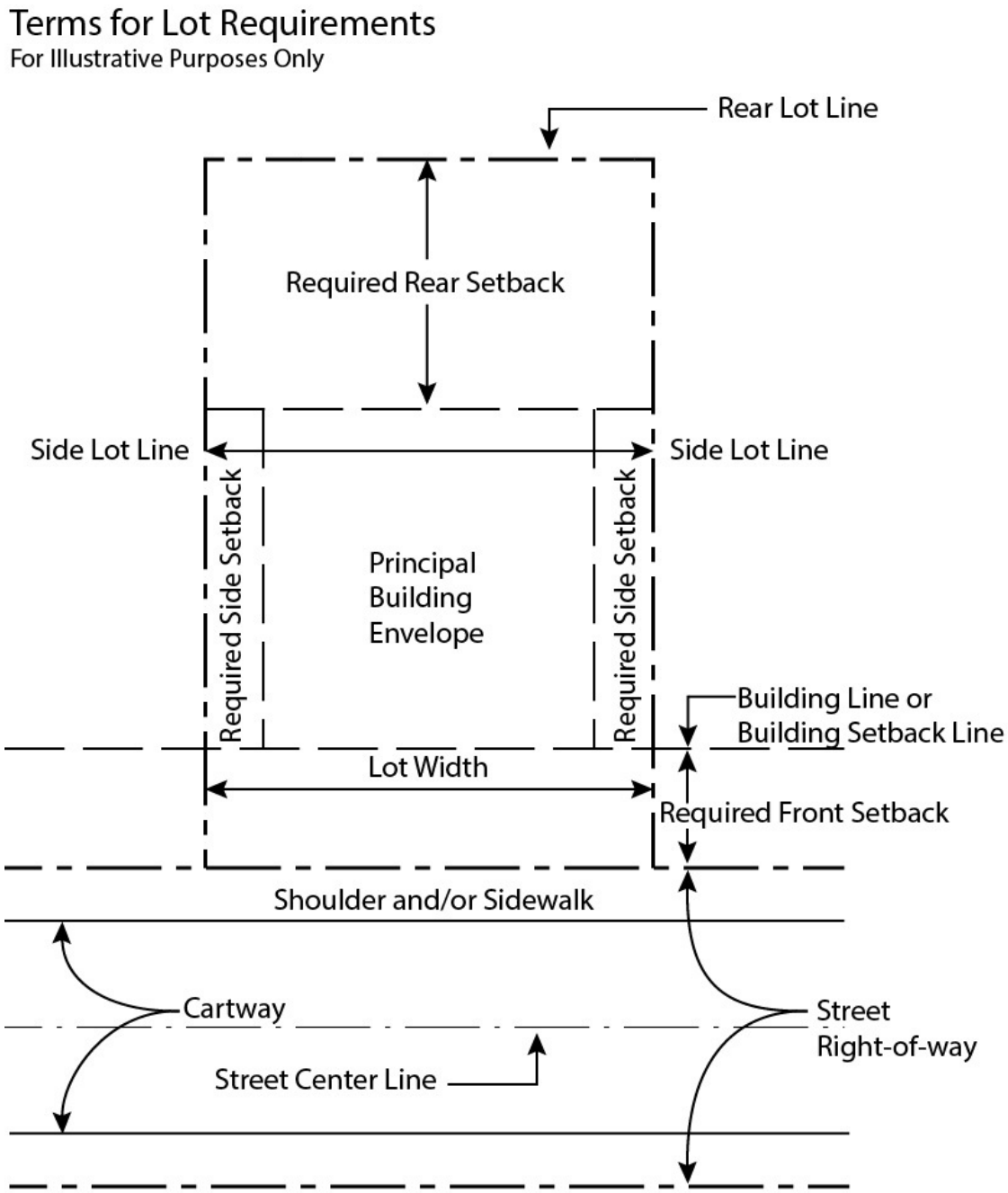
Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. A motor vehicle that has been declared totaled as a result of damage, or that has the engine separated from the vehicle, or that is missing one or more tires, or is missing a door or windshield or trunk or hood or a bumper, other than vehicles that are actively under current repair.

Junkyard.

A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
   1. "Junk." (see definition) covering more than one percent of the lot area.
   2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 602.
   3. One or more mobile/manufactured homes that are not in a habitable condition.

B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.



Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, on a non-residential lot, if 7 or more dogs age 6 months or older are kept, it shall be considered a Kennel.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Live Work Unit. A dwelling unit that is also allowed to be used for certain business purposes by a resident of the dwelling and which meets the standards of Section 602.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 602 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

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.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

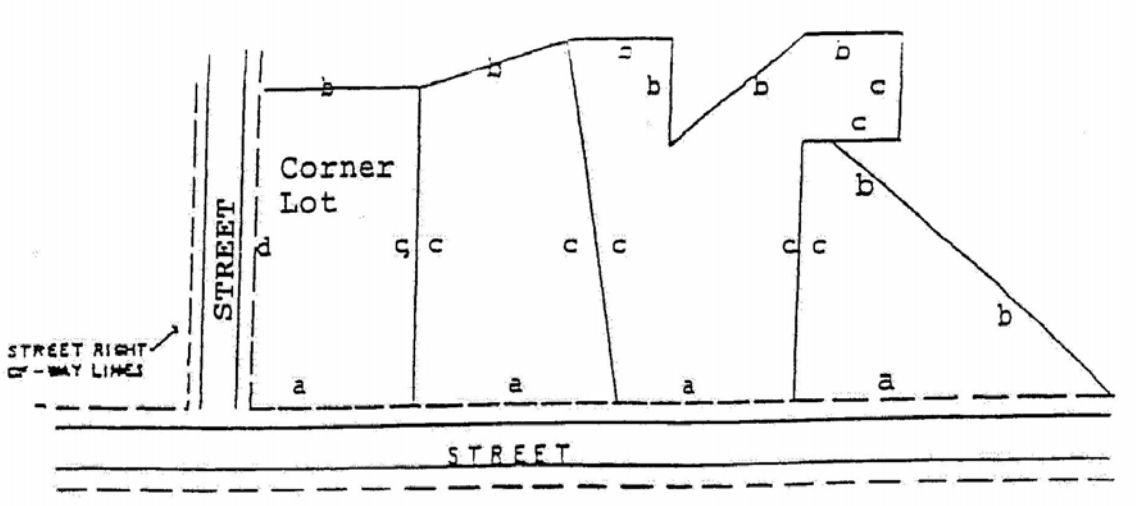
Lot, Through. A lot that is adjacent to two different streets but which is not a "Corner Lot."

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

A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as for townhouses, may specifically permit proposed common open spaces to be included in determining density for a specific use.)

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

A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. In the event that a pre-existing lot is not adjacent to a street, the front lot line shall be the lot line that is closest to and approximately parallel to the nearest street. For a corner lot, see Section 1303.B.
B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
C. Side Lot Line. Any lot line other than a front or rear lot line.
D. Second Front Yard Required for a Corner Lot. See Section 1303.B.



Note – The letters in the above graph refer to the letters above for front lot line, rear lot line and side lot line.

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

Marina. A use along a waterway that provides docking facilities for watercraft, and which may also include sales, rental, storage, service and repair of watercraft.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

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

Medical Marijuana 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 State Department of Health to dispense medical marijuana.

Medical Marijuana 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 State Department of Health to grow and process medical marijuana.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
B. See Section 602. See also "After Hours Club", which is a distinct use.

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

Mixed Use. Unless otherwise stated, shall mean a combination of residential and commercial uses, or commercial and industrial uses, within the same lot or building.

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

Mobile/Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile / manufactured home lots for the placement thereon of mobile / manufactured homes.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means. A motorized scooter or motorized wheelchair used by a person with disabilities is not considered a Motor Vehicle.

MPC or Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as amended.

Multi-Family Conversion. The conversion of an existing building to result in one or more new multi-family dwelling units, such as the conversion of a single family detached dwelling into a building with 3 dwelling units.

Nightclub. A use that sells alcoholic beverages and meets all of the following conditions: a) it offers live or recorded music, b) it offers opportunities for dancing, c) it is open to customers after midnight, and d) it has a capacity for more than 250 customers.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the District where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 1305.C.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. See Section 1305.C.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 602.

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

Open Space, Common. A parcel or parcels of land designed and intended for the use or enjoyment of residents of a development, but not including the following: streets, off-street parking areas (except those

parking spaces necessary to serve recreation uses on the open space), sewage facilities, stormwater facilities that are not improved to serve a scenic or safe recreational purpose, and areas with a width of less than 50 feet.

Ordinance, This. The Borough of Jessup Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a principal building, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

Parking Area. A land area designed and used for the parking of 3 or more motor vehicles.

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

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. A Personal Care Home should be defined as “A facility which provides 24-hour supervised living arrangements for 4 or more unrelated persons 18 years of age and above which does not provide medical services, hospice services or skilled nursing services, and is licensed by the Commonwealth. See also “Assisted Living Facility.”

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

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 603.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, and shrines used primarily for religious and/or spiritual worship for more than 15 persons at a time on a regularly scheduled basis, and that are incorporated as part of a non-profit organization and are operated for nonprofit and non-commercial purposes. If a property is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 602.

Principal Building. A "Principal Structure" which is also a "building."

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

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

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest or as a result of persons being found by a court to be delinquent and in need of confinement, and which is not a Criminal Halfway House.

Public Hearing. A meeting held by Borough Council or the Zoning Hearing Board to meet requirements of the MPC.

Public Notice. Notice required by the MPC. (Note – As of the enactment date of this Ordinance, such definition was: "Notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.")

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

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

A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Article 4.
B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Article 4, such as a firearms target range.

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

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

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

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The R-1, R-2, and R-3 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than one acre, or b) is undeveloped and zoned as a Residential District.

Restaurant.

A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
B. This use shall not include a "Tavern" or a "Nightclub" unless the requirements for such uses are also met. A restaurant may include the accessory sale of alcoholic beverages, but shall not include a use that allows the sale or consumption of alcohol between 2 AM and 6 AM. Stricter hour limits may apply in some Zoning Districts.
C. See "Drive-Through Service" in this section.

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

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

A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Borough or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 1304.

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

Setback Line. “The line within a property defining the required minimum distance between any structure and the right-of-way or property line.”

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

Shopping Center. A lot that includes five or more retail sales and/or personal service establishments, and which may also include offices and restaurants.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. A sign shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. A sign shall not include an artistic display or mural which does not include any advertising. The following definitions apply in regards to signs:

A. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
B. Sign Area. The square footage area on each side of a sign face, as measured under Section 1210.
C. Sign, Externally Illuminated. A sign that only has lights shining onto the sign from the outside of the sign.
D. Sign, Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
E. Sign Height. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a place of worship.
F. Sign, Internally Illuminated. A sign with a face of translucent material with artificial lighting located behind the sign face.
G. Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

H. Sign, Projecting. A sign that is attached to a building wall and extends from that wall by more than 18 inches.
I. Sign, Temporary. A sign that meets the requirements of Article 12 and that is intended to be kept in view of the public for less than 60 total days in any 365 day period, unless a more restrictive time period is provided for that type of sign in Article 12.
J. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
K. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

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

Solar Energy Collection System. Mechanisms used to capture the energy of the sun for use for electricity, hot water or similar purposes.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

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

Special Exception. A use allowed in a particular Zoning District pursuant to Articles VI and IX of the MPC. A special exception use shall need approval from the Zoning Hearing Board, following a public hearing, provided the use complies with the conditions and standards required by this Ordinance. See Section 85.

Specified Sexual Activities. One or more of the following:

A. Human male genitals in a visible state of sexual stimulation.
B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
C. Fondling or other erotic touching of human genitals. See definition of ‘Adult Use.’

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6 feet 8 inches or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet 8 inches shall be considered a "half-story."

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic and pedestrians, whether public or private. The term street does not include an alley or a driveway. The terms "street" and "road" have the same meaning.

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

Subdivision. The definition in the Borough Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). The Borough of Jessup Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 603.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tattoo Parlor. A commercial use that applies permanent words or designs using ink on to human skin.

Tavern. A use that primarily sells alcoholic beverages, as opposed to primarily selling food, and which is regularly open to the public after midnight, and which does not allow customers to enter the premises after 2 AM or to occupy the premises after 2:30 AM. This use shall not include a “Nightclub” unless the requirements for a Nightclub are also met.

Temporary Shelter. The use of a building to house persons who would otherwise be homeless or who are seeking a refuge from domestic abuse. This use shall not include a Criminal Halfway House, unless the requirements for such use are also met.

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

Tire Storage, Bulk. The outdoor storage of more than 5 used motor vehicle tires on a residential lot or more than 20 used tires on a vacant or non-residential lot, except that a lawful tire retail store may include the temporary storage of used tires while they are actively offered for sale or while they are awaiting regularly scheduled pickup, without being regulated by this term. See "Outdoor Storage" in Section 603.

Townhouse. See "Dwelling Types."

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

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

Treatment Center. A use involving one or more of the following:

A. A use (other than a prison, hospital or criminal halfway house) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of addiction to a controlled substance that was used in an illegal manner or alcohol.
B. A Methadone Treatment Facility, which shall be defined as an out-patient facility licensed by the Pennsylvania Department of Health to dispense the drug methadone or substances with a similar intent in the treatment, maintenance or detoxification of persons with drug addictions.

See standards in Section 602. A use that otherwise meets the definition of a group home, but that exceeds the number of residents allowed by this Ordinance within a Group Home, shall also be regulated as a Treatment Center. See the modification provisions of Section 1411.D.5.

Trucking Company Terminal. An area or building where trucks unload products and materials owned by various entities, and where such items are re-organized into smaller or larger loads for transfer onto trucks. This term shall only include a use that primarily involves tractor-trailer trucks used for both unloading and loading operations, and which does not typically involve items being stored on-site for periods of time of longer than 60 days.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Article 6.

Unlicensed Vehicle. See any regulations that may exist in any Borough Property Maintenance Code.

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

Variance. The granting of specific permission under the provisions of Articles VI and IX of the MPC by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. See Section 1411.D.

Wall. See "Fence."

Warehousing or Storage. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a trucking company terminal unless such uses are specifically allowed in that Zoning District and are approved. This use may also include sorting operations. See also “Distribution Center.”

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

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to, an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

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

Yard. An area unobstructed from the ground to the sky between a structure and a property line and that is on the same lot as the subject structure or use. Each required yard shall be measured inward from the abutting “lot line” or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each District prohibit principal and accessory structures within the specified minimum yards.

A. See yard/setback exceptions in Section 1303.B.
B. Private Streets. For a yard measured from a private street, the distance shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front. A "yard" measured from the closest front wall of a principal structure to the street right-of-way line (as exists after the completion of any subdivision or land development). In the event that the front lot line is not a street right-of-way line, the front yard shall be measured from such front lot line. Such yard shall extend the full width of the lot from side lot line to side lot line.

A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
B. See Section 1303.B. concerning yards along corner lots.
C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
D. Every lot shall include at least one front lot line.

Yard, Rear.
A. A "yard" which is the space extending the full width of the lot and which is measured from along the rear line and which is located between a subject structure and the rear lot line, and which stretches between the side lot lines parallel to the rear lot line.
B. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
C. Every lot shall include a rear lot line and a rear yard.

Yard, Side.
A. A "yard" which is the space between a subject structure and each side lot line, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
B. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.
C. See "Corner Lot" provision in Section 1303.B.
D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yard Sale. Shall have the same meaning as “Garage Sales”, which is defined in this Section.

Zoning Map. The Official Zoning Map of the Borough of Jessup, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Borough of Jessup Zoning Ordinance, as amended.

Zoning Permit. A permit issued by the Zoning Officer that allows a use, activity or improvement that is authorized under this Ordinance. At the option of the Borough, a portion of a Construction Permit may be allowed to serve as a Zoning Permit.

Borough of Jessup
LACKAWANNA COUNTY

ZONING MAP
Adopted November 23, 2020

Zoning Districts:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 Medium High Density Residential
- C-R Conservation Recreation
- TC Town Center
- LI Light Industrial/Business Park
- GI General Industrial
- MU Mixed Use
- IC Interchange Commercial
- Streams
- Approximate 100 Year Floodplain (as of November 2020. See the Official Federal Floodplain mapping.)

NOTE:
A = 700' from centerline of creek and edge of lake.

SOURCE OF BASE INFORMATION:

Esri, PASDA, FEMA and Lackawanna County.

0 Feet 1,500

Urban Research & Development Corporation
81 Highland Ave. Suite 120 Bethlehem, Pa. 18017 610-865-0701

Archbald Borough

Blakely Borough

Olyphant Borough

Archbald Heights Rd.

Valley View

Sunnyside Rd.

Breaker St.

Hill St.

Palmer Dr.

Main St.

Constitution Ave.

Erie St.

Clarkson St.

Powell Ave.

Church St.

Grassy Island Ave.

Blakely St.

Bridge St.

2nd Ave.

4th Ave.

Adele Dr.

Lane St.

Veterans Memorial Dr.

Mid Valley Dr.

Albergi Dr.

Moosic Lake Rd.

A

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